

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0201H.01I
Bill No.: HB 134
Subject: Health, Public
Type: Original
Date: January 5, 2021

Bill Summary: This proposal creates provisions relating to customer access to restrooms.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§191.715 – Customer access to bathrooms

Officials from the **Department of Labor and Industrial Relations (DOLIR)** state the proposal will have no fiscal impact on their organization. However, this proposal may have an impact on small businesses.

Oversight notes, in response to very similar legislation from 2020 (HB 2398), DOLIR officials stated this legislation requires small businesses to make private restrooms available to certain customers with specific disabilities. While the Americans with Disabilities Act (ADA) has some exemptions for excessive costs in rehabilitating a building to provide for accommodations, this proposed legislation does not. In a situation where a small business (e.g. a business based out of a private residence) did not provide restroom access, they would be guilty of a misdemeanor offense. Also, since the ADA extends to restrooms located in private residences where the use of the restroom is not exclusive to the homeowner, it is possible that this legislation would bring certain home-based businesses under the provisions of the ADA, leading to additional costs. Such costs are difficult to determine since the ADA allows for a cost/benefit analysis in each situation.

Officials from the **Department of Health and Senior Services**, the **Department of Public Safety - Missouri Highway Patrol**, the **City of Ballwin**, the **City of Corder**, the **City of Kansas City**, the **City of O'Fallon**, the **City of St. Louis**, the **Boone County Sheriff's Department**, the **Crestwood Police Department**, the **Ellisville Police Department**, the **Kansas City Police Department**, the **Springfield Police Department**, the **St. Joseph Police Department**, and the **St. Louis County Police Department** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **City of Gordonville**, the **City of Hale** and the **City of Springfield** indicated the proposal would have an impact on their city, but did not provide additional information.

Oversight notes §191.715.5 provides that an employee of a place of public accommodation who refuses to provide a customer with access to a restroom facility as required under this section commits a misdemeanor offense punishable by a fine of no more than one hundred dollars. It is unknown if any misdemeanors/fines may be issued or how much might actually be collected in fines as a result of this proposal. For fiscal note purposes, **Oversight** assumes the amount to be minimal and assumes no fiscal impact for fiscal note purposes.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, various county officials, sheriffs' departments and police

departments were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

This proposal could have a significant fiscal impact on small businesses if businesses, including private facilities, are required to remodel private facilities to meet the requirements of this proposal. If private facilities are not made available to specified customers, small businesses may be issued fines up to \$100 per occurrence. (\$191.715)

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Health and Senior Services
 Department of Labor and Industrial Relations
 Department of Public Safety –
 Missouri Highway Patrol
 City of Ballwin
 City of Corder
 City of Gordonville
 City of Hale
 City of Kansas City
 City of O’Fallon
 City of Springfield
 City of St. Louis

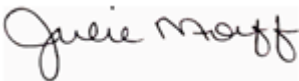
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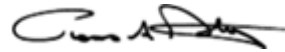
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Boone County Sheriff's Department
Crestwood Police Department
Ellisville Police Department
Kansas City Police Department
Springfield Police Department
St. Joseph Police Department
St. Louis County Police Department

A handwritten signature in black ink that reads "Julie Morff". The signature is written in a cursive, flowing style.

Julie Morff
Director
January 5, 2021

A handwritten signature in black ink that reads "Ross Strobe". The signature is written in a cursive, flowing style.

Ross Strobe
Assistant Director
January 5, 2021