

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2153H.01I  
Bill No.: HB 997  
Subject: Liability; Courts; Health Care  
Type: Original  
Date: March 8, 2021

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Bill Summary: This proposal limits recovery for damages from a person or entity for exposing another person to a virus or other communicable disease.

**FISCAL SUMMARY**

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

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

Numbers within parentheses: () indicate costs or losses.



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

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

- ☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

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



## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§537.1075 – Limits liability for exposing another person to a virus**

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation limits recovery for damages for which a person or entity might be liable for exposing another person to a virus or other communicable disease, creating a framework for what must be proven for damages to be recovered. If passed, this legislation could result in an increased number of record requests from the DHSS, Division of Community and Public Health (DCPH), Bureau of Reportable Disease Informatics (BRDI).

Currently, the record requests for infectious diseases for criminal cases are limited to HIV/AIDS. Therefore, estimates used in this fiscal note are based upon the ratio of 2018 requests for HIV/AIDS records under Section 191.677, RSMo, divided by the number of new HIV/AIDS cases in 2018 (11 requests/456 new HIV/AIDS diagnoses = .02412). This ratio was then applied to the 2018 numbers of other selected reportable conditions. As the proposed legislation does not limit which viruses or other communicable diseases the legislation may apply to, the DCPH anticipates that hepatitis B and syphilis (early latent, secondary, and primary) would be the most likely to generate requests. DCPH cannot anticipate the likelihood or frequency of record requests for other viruses or communicable diseases, as there is no current analog of damages being sought for the spread of a virus or disease such as influenza or the novel coronavirus.

<b>Condition</b>	<b>2018 New Cases</b>	<b>Expected Record Requests</b>
Syphilis (early latent, secondary, and primary)	1,352	33
Hepatitis B (chronic and acute)	468	11
<b>Total for selection</b>	<b>1,820</b>	<b>44</b>

The estimated average amount of BRDI staff time for a basic record request without court appearance is 2 hours. A Public Health Program Manager (\$71,265 salary) would be responsible for processing and responding to the additional records requests. The estimated staff time to handle anticipated requests for only the conditions listed in the table above would be 88 hours (44 estimated additional requests x 2 hours per request). Based on 2,080 working hours per year, this would require .04 FTE (88 hours / 2,080 hours) for an estimated personal services cost of \$3,015.

The DHSS anticipates being able to absorb these costs. However, until the FY22 budget is final, the department cannot identify specific funding sources.



**Oversight** does not have any information to the contrary and assumes the DHSS has sufficient staff and resources available to absorb the additional duties required as a result of this proposal. Therefore, Oversight will reflect a zero fiscal impact in the fiscal note for the DHSS.

Officials from the **Attorney General's Office** each assume the proposal will have no fiscal impact on their respective organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note the AGO.

Officials from the **Missouri Office of Prosecution Services**, the **Office of the State Courts Administrator**, the **City of Corder**, the **City of Kansas City**, the **City of O'Fallon**, the **City of Springfield**, the **Columbia/Boone County Department of Public Health and Human Services**, the **Newton County Health Department** and the **St. Louis County Health 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.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, other local public health agencies, cities and various county officials 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 –</u> <u>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

If this legislation passes, small medical providers (e.g., physicians, hospitals, etc.) could receive an increased number of requests for records as attorneys, law enforcement officers, or others investigate potential cases and if individuals request their own records for these purposes. This could possibly require increased staff time and expenses involved with searching for records, determining what should be provided, consulting with an attorney, and appearing in court.

FISCAL DESCRIPTION

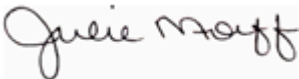
The proposed legislation appears to have no direct fiscal impact.

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

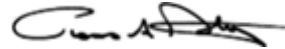


SOURCES OF INFORMATION

Attorney General's Office  
Department of Health and Senior Services  
Joint Committee on Administrative Rules  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator  
Office of the Secretary of State  
City of Corder  
City of Kansas City  
City of O'Fallon  
City of Springfield  
Columbia/Boone County Department of Public Health and Human Services  
Newton County Health Department  
St. Louis County Health Department



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