

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5878H.011
Bill No.: HB 2349
Subject: Health Care; Drugs and Controlled Substances; Department of Health and Senior Services; Health, Public; Children and Minors; Emergencies; Health Care Professionals
Type: Original
Date: January 28, 2026

Bill Summary: This proposal modifies provisions relating to Epinephrine delivery devices.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue	(\$14,400)	\$0 to (\$14,400)	\$0 to (\$14,400)
Total Estimated Net Effect on General Revenue	(\$14,400)	\$0 to (\$14,400)	\$0 to (\$14,400)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

☐ 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Office of Prosecution Services** did not respond to **Oversight's** request for fiscal impact for this proposal.

§§167.627 and 167.630 - Epinephrine Products in Schools

Officials from the **High Point R-III School District** assume the proposal will have a fiscal impact but did not provide any additional information.

Oversight notes the proposal authorizes each board of education in this state to grant permission to pupils, as well as each school board in this state to grant permission to school nurses to use this medication (Epinephrine delivery devices). Oversight assumes there could be a potential cost to schools to purchase these devices. Therefore, Oversight will reflect a \$0 to Unknown cost to schools in the fiscal note.

§190.246 – Emergency Use Epinephrine Delivery Devices

Officials from the **Department of Social Services (DSS)** state the cost of Epinephrine nasal spray devices has an average cost of \$100 per device. It is anticipated that the Division of Youth Services (DYS) would need to purchase 144 Epinephrine devices to meet the needs of this legislation. Therefore, the fiscal impact to DHS would be \$14,400 in FY 2027 and an ongoing cost of \$0 to \$14,400 for the fiscal years following.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by DSS.

§196.990 – Epinephrine Delivery Devices in Nursing Homes and Other Care Facilities

Officials from the **Department of Health and Senior Services (DHSS)** state section 196.990.1(2) of the proposed legislation adds facilities licensed under Chapter 198 as an authorized entity to administer epinephrine delivery devices to the body of an individual. As an authorized entity, a physician may prescribe epinephrine delivery devices in the name of the authorized entity, and the authorized entity may acquire and stock a supply of injectors onsite. The statute includes expectations related to training, storage, post-use review, and notification of emergency medical services. DHSS has confirmed with Centers for Medicare and Medicaid Services that this legislation does not conflict with current federal regulations for nursing homes.

This will require the Section for Long Term Care Regulation (SLCR) to review policies to ensure they meet all regulatory requirements; promulgate rules, including update of inspection policies and procedures, and training of DHSS staff and providers. Review of facility policy and

procedures and training of employees can be incorporated into the inspection process to review current policies and procedures related to safe and effective system of medication administration and emergency procedures.

It is assumed that the Department can absorb the costs of this bill with current resources. However, if the workload significantly increased or other legislation was enacted, additional resources would be requested through the appropriation process.

Oversight assumes DHSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DHSS could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DHSS could request funding through the appropriation process. Officials from the DHSS assume the proposal will have no fiscal impact on their organization.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Elementary and Secondary Education, Department of Mental Health, Department of Public Safety (Division of Fire Safety and Missouri Highway Patrol), Office of the State Public Defender, Office of the State Treasurer, Newton County Health Department, Phelps County Sheriff's Department, Branson Police Department, Kansas City Police Department, St. Louis County Police Department and Eastern Clay Ambulance District** 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.

In response to similar to legislation, HB 1826 (2026), officials from the **Office of the State Courts Administrator, Blue Springs Police Department, Kearney Fire & Rescue Protection District and Twin Rivers R-X School District** each assumed the proposal would 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.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local health departments, nursing homes, law enforcement agencies, fire protection districts, EMS, schools and hospitals were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review

to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

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 (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 the office can sustain with its core budget. Therefore, the SOS reserves 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.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost – DSS/DYS (§190.246) Purchase of epinephrine nasal spray devices p.3</u>	<u>(\$14,400)</u>	<u>\$0 to (\$14,400)</u>	<u>\$0 to (\$14,400)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$14,400)</u>	<u>\$0 to (\$14,400)</u>	<u>\$0 to (\$14,400)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – School Districts (§§167.627, 167.630) Purchase of epinephrine nasal spray devices p.3</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT – Small Business

No direct fiscal impact on small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill changes the term "epinephrine auto-injector" to "epinephrine delivery device" throughout statute, defined as a single-use device used for the delivery of a pre-measured dose of epinephrine into the human body.

This bill adds epinephrine delivery devices to provisions of statute that permit the possession and self-administration of the medication to treat a student's chronic health condition, such as asthma or anaphylaxis.

The bill authorizes each board of education in this state to grant permission to pupils and each school board in this state to grant permission to school nurses to use this medication.

This bill additionally modifies existing provisions for epinephrine possession, use limitations, and stock supply by adding epinephrine delivery devices as eligible products and nursing homes and facilities, as well as child care facilities, to the list of authorized entities.

Current law authorizes qualified first responders, as defined in the bill, to administer epinephrine auto-injectors to a person who is suffering from an apparent anaphylactic reaction. This bill extends that authorization to epinephrine delivery devices.

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 Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Department of Public Safety –
 Division of Fire Safety
 Missouri Highway Patrol
Department of Social Services
Joint Committee on Administrative Rules
Office of the State Courts Administrator
Office of the Secretary of State
Office of the State Public Defender
Office of the State Treasurer
Newton County Health Department

Phelps County Sheriff's Department
Blue Springs Police Department
Branson Police Department
Kansas City Police Department
St. Louis County Police Department
Eastern Clay Ambulance District
Kearney Fire & Rescue Protection District
High Point R-III School District
Twin Rivers R-X School District



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