

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5297-01  
Bill No.: Perfected HB 1411  
Subject: Children and Minors; Health Care; Business and Commerce; Merchandising Practices  
Type: Original  
Date: March 12, 2014

Bill Summary: This proposal requires persons less than 17 years of age using a tanning device in a tanning facility to have the parent or guardian of the minor give written consent in person to the minor's use of a tanning device.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<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.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</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 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

In response to the previous version of this proposal, officials from the **Department of Health and Senior Services (DHSS)** provided the following assumptions:

#### *Section 577.665*

The language requires the DHSS, along with law enforcement, to utilize existing resources and personnel to carry out enforcement activities of the proposed law. Currently, the DHSS has no staff responsible for addressing complaints from tanning salons. All environmental health staff are working at capacity addressing food/childcare safety and sanitation, lodging, and sewage issues which would not be completed if staff were diverted to enforce the provisions of this legislation. Due to the unknown number of non-compliant tanning facilities or the number of complaints requiring investigation, the number of staff and resources necessary to carry out the duties of the proposed legislation are unknown. The DHSS estimates the impact to be unknown, but greater than \$100,000 annually.

**Oversight** notes section 577.665.5 of the proposed legislation states, “The enforcement of the provisions of this section shall be provided by existing personnel and resources of law enforcement and the department of health and senior services.” Oversight assumes all costs related to the enforcement of the proposed legislation must be absorbed by existing law enforcement and the DHSS. Oversight also assumes if DHSS experiences a measurable increase in costs as a direct result of this proposal, the department may request additional funding through the normal appropriations process.

**Oversight** assumes any increase in fine or penalty revenues generated for violations of the provisions of this proposal cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

In response to the previous version of this proposal, officials from the **Office of Secretary of State (SOS)** stated 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 the SOS for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect that additional funding would be required to meet these costs. However, it is also recognized 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 within 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.

ASSUMPTION (continued)

Officials from the **Joint Committee on Administrative Rules (JCAR)** state the legislation is not anticipated to cause a fiscal impact to JCAR beyond its current appropriation.

Officials from the **Department of Social Services (DSS)** state with respect to children in the custody of the DSS, granting or denying consent is part of the normal parenting function and would not incur any additional cost. A child can be fined for violating this law; however, it is unlikely that any child would be placed under the supervision of the Division of Youth Services as a result of violating this law. This proposal has no fiscal impact on the DSS.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** and the **Department of Public Safety - Missouri State Highway Patrol** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal would have a direct fiscal impact on small business tanning facilities.

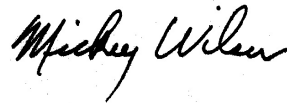
FISCAL DESCRIPTION

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 Insurance, Financial Institutions and Professional Registration  
Department of Health and Senior Services  
Department of Social Services  
Department of Public Safety -  
    Missouri State Highway Patrol  
Joint Commission on Administrative Rules  
Office of Secretary of State



Mickey Wilson, CPA  
Director  
March 12, 2014

Ross Strobe  
Assistant Director  
March 12, 2014