

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3552-04  
Bill No.: HCS for SS for SB 644  
Subject: Public Health  
Type: Original  
Date: May 8, 2020

Bill Summary: This proposal modifies provisions relating to public health.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Could exceed \$2,579,719)	Up to (\$11,219,362)	Up to (\$13,187,430)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Could exceed \$2,579,719)</b>	<b>Up to (\$11,219,362)</b>	<b>Up to (\$13,187,430)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Criminal Record System (0671)	\$76,560	\$43,472 to \$85,800	\$43,472 to \$85,800
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$76,560</b>	<b>\$43,472 to \$85,800</b>	<b>\$43,472 to \$85,800</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 34 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
Federal*	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

\* With a federal waiver, income and expenditures net to \$0.

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
General Revenue	1 FTE	3 FTE	3 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>1 FTE</b>	<b>3 FTE</b>	<b>3 FTE</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>
<b>Local Government</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Due to time constraints, **Oversight** was unable to receive some of the agency responses in a timely manner and performed limited analysis. Oversight has presented this fiscal note on the best current information that we have or on information regarding a similar bill(s). Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

#### §9.245 - Lupus Awareness Month

Officials from the **Office of Administration** assume the proposal will have no fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

#### §160.485 - Bleeding Control Kits

Officials from **Department of Elementary and Secondary Education (DESE)** assume, subject to appropriation, the total cost to implement the bleeding control kits would be \$1,494,350. The cost per bleeding control kit is estimated at \$22.99 each. The number of classrooms in Missouri is estimated around 65,000.

65,000 classrooms x \$22.99 per kit = \$1,494,350 total cost.

**Oversight** notes the original estimate for the cost of the kits was \$65 each (in the fiscal note for 4680-01) for a total cost of \$4.225 million (65,000 x \$65). Oversight will reflect the revised estimate from DESE.

In response to a similar proposal (HCS HB 1991), officials from the **Maries County R-1 School District** assumed the cost would be approximately \$69.99 per classroom: \$68.99 for the Curaplex Stop the Bleed Kit and \$1.00 for the Emergency Thermal Blanket (10 for \$9.95). By the time you figure 55 spaces that would need one in our school, it would cost us \$3,849.45 to put them in and we would have to replace the kits when they expire, I did not figure those costs.

In response to a previous version of the bill (HB 1991), officials from the **Department of Public Safety - Office of the Director** assumed the proposal will have no fiscal impact on their organization.

Officials from the **Lafayette Preparatory Academy** assume the financial impact of this bill would be equal to the cost of the required health and bleeding control kits and the training

ASSUMPTION (continued)

required as outlined. Further, it may require that a nurse be in schools that do not have one. I see that this bill could equal anywhere from \$1,000 in expense to \$80,000 in expense depending on the implementation.

**Oversight** assumes the requirements in this proposal are subject to an appropriation by the General Assembly that would cover all costs. Oversight notes DESE estimated the cost to provide bleeding control kits to each classroom at \$1,494,350. Oversight assumes kits will not be used frequently, so restocking and annual training costs will be shown as Could exceed (\$100,000) in FY 22-23.

§191.255 - Medical Marijuana Card Information

Officials from the **Department of Corrections (DOC)** state this legislation creates a class E felony offense when a state agency discloses to the federal government the statewide list of persons who obtained a medical marijuana card.

In order to provide information on the impact of this legislation, a standard impact for a new, nonviolent offense of a class E felony is used. In FY 2019, the average class E nonviolent sentence is 3.4 years. Incarcerated offenders serve 2.1 years in prison and 1.3 years on parole. Average term for probation is 3.0 years. An estimate, for each year, is one offender is sentenced to incarceration while two offenders are given probation.

	# to prison	Cost per year	Total Costs for <b>prison</b>	# to probation & parole	Cost per year	Total cost for <b>probation and parole</b>	Grand Total - Prison and Probation (includes 2% inflation)
Year 1	1	(\$6,386)	(\$5,322)	2	absorbed	\$0	(\$5,322)
Year 2	2	(\$6,386)	(\$13,027)	4	absorbed	\$0	(\$13,027)
Year 3	2	(\$6,386)	(\$13,288)	7	absorbed	\$0	(\$13,288)
Year 4	2	(\$6,386)	(\$13,554)	7	absorbed	\$0	(\$13,554)
Year 5	2	(\$6,386)	(\$13,825)	7	absorbed	\$0	(\$13,825)
Year 6	2	(\$6,386)	(\$14,101)	7	absorbed	\$0	(\$14,101)
Year 7	2	(\$6,386)	(\$14,383)	7	absorbed	\$0	(\$14,383)
Year 8	2	(\$6,386)	(\$14,671)	7	absorbed	\$0	(\$14,671)
Year 9	2	(\$6,386)	(\$14,964)	7	absorbed	\$0	(\$14,964)
Year 10	2	(\$6,386)	(\$15,264)	7	absorbed	\$0	(\$15,264)

ASSUMPTION (continued)

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2019, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2020 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases. For instances where the proposed legislation affects a less specific caseload, DOC projects the impact based on prior year(s) actual data for DOC's 44 probation and parole districts.

The DOC cost of incarceration is \$17.496 per day or an annual cost of \$6,386 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload.

**Oversight** assumes state agencies or state employees would not share medical marijuana user/registry information with the federal government. In addition, Oversight assumes the minimal fiscal impact incurred by the DOC for this proposal will be absorbable within current funding levels. Therefore, Oversight assumes no fiscal impact for the DOC for this fiscal note.

**Oversight** notes that the **Missouri Office of Prosecution Services** has stated the proposal would not have a measurable fiscal impact on their organization. However, the creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine. .

**Oversight** notes the **Office of State Public Defender (SPD)** has stated the proposal would not have a direct fiscal impact on their organization. **Oversight** contacted SPD officials and determined the SPD assumes state agencies and employees will not be indigent and, therefore, will not require services from the SPD. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

ASSUMPTION (continued)

In response to a similar proposal (HCS #2 HB 1896), **Oversight** notes the **Department of Health and Senior Services** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

Section 191.1160 - Patient Education Task Force

Officials from the **Missouri Senate (SEN)** state this proposal establishes the “21st Century Missouri Patient Education Task Force”. The task force is to be comprised of 5 Senators, 5 Representatives, the Governor, 4 Department Directors and 7 lay people.

The SEN assumes meetings will be held in Jefferson City during the interim. The average of the total round trip miles for current sitting senators is 32 miles and the current mileage rate, as set by the Office of Administration, is 43 cents per mile. Therefore, the SEN estimates total costs for senator mileage of \$561.

**Oversight** does not have any information to the contrary. Oversight notes extrapolating the SEN’s anticipated expenses to the entire task force (22 people) would total roughly \$2,500 per meeting. Oversight assumes two meeting per year for a total of \$5,000 and assume this is not a material amount and will not reflect this in the fiscal note; however, if additional task forces are added in other proposals, additional appropriation authority may be needed.

Officials from **Legislative Research (LR)** state the Office of Revisor believes that, due to the limitation of current staff to revision only, the use of the old language allowing the Joint Committee staff to provide support for interim and other committees refers to the Oversight Division. As such, LR assumes the proposal will have no fiscal impact on their organization.

Officials from the **Missouri House of Representatives (MHR)** assume the proposal will have no fiscal impact. Either the House will absorb expenses incurred by members serving on the task force or the Senate will cover the same with its Joint Contingent Expenses appropriation.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the no impact provided by the MHR for fiscal note purposes.

In response to a similar proposal (HB 2288), **Oversight** notes the **Department of Health and Senior Services**, the **Department of Social Services**, the **Governor’s Office**, the **Office of Administration** and the **Oversight Division** stated the proposal would not have a direct fiscal impact on their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

ASSUMPTION (continued)

§195.815 - Criminal Background Checks for Employees of Medical Marijuana Facilities

Officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** state the Missouri Department of Health and Senior Services (DHSS) notes there are 348 medical marijuana “facilities” and assumes each facility will request background checks on 10 employees. DHSS has the ability to conduct the state fingerprint portion of the employee background check requirement pursuant to the Missouri Constitution Article XIV. This legislation, if enacted and approved by the Federal Bureau of Investigation (FBI) Criminal Justice Information Law Unit (CJILU), would authorize the federal fingerprint portion of the employee background check requirement. With the estimation of 348 facilities conducting background checks on 10 employees, it is assume that \$6,960 will be deposited into the Criminal Record System Fund which includes a \$2.00 FBI fee (CJISD retains \$2.00 of the FBI fee).

The state fee for a fingerprint based criminal record check is \$20.00 per request. The federal fee for a fingerprint based criminal record check is \$13.25 per request, of which, the CJIS Division retains \$2.00. This equates to \$22 of the total state and federal fingerprint background check fee that is retained in the Criminal Record System Fund per request.

State and Federal Fingerprint Fee Schedule

State Fee = \$20.00

Federal Fee = \$13.25

Total State and Federal fee = \$33.25

Vendor Fee (if applicable) = \$8.50

Total State and Federal with Vendor fee = \$41.75

Total Retained in the Criminal Record System (CRS) Fund = \$22.00

**Oversight** obtained additional information from the Department of Health and Senior Services (DHSS) regarding the number of background checks that could be required as a result of this legislation. DHSS notes there are 348 medical marijuana “facilities” and assumes each facility will request background checks on 10 employees. Therefore, Oversight assumes \$76,560 (348 facilities x 10 employees x \$22/background check) will be deposited into the Criminal Record System Fund for FY 21.

Based on DHSS’ analysis, it is expected the DHSS will receive 38 to 75 background check requests per week once the industry is up and running. Therefore, for fiscal note purposes, **Oversight** will present an impact to the Criminal Records System Fund of \$43,472 (38 checks/week x 52 weeks x \$22 fee retained in CRS Fund) to \$85,800 (75 checks/week x 52 weeks x \$22 fee retained in CRS Fund) for FY 22 and FY 23.

ASSUMPTION (continued)

In response to a similar proposal (HCS #2 HB 1896), **Oversight** notes the **Department of Health and Senior Services** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

In response to an earlier version of this proposal, officials from the **Office of the 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 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 the 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.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

§§197.305 and 197.318 - Certificates of Need

Officials from the **Department of Health and Senior Services (DHSS)** state Section 197.318 of the proposed legislation decreases the required average occupancy rate from ninety percent to eighty-five percent. This could increase the number of certificate of need applications and, therefore, increase application fee revenue. Section 197.315.10 RSMo. states, "Each application for a certificate of need must be accompanied by an application fee. The time of filing commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee."

It is assumed this will be a minimum of one-tenth of one percent of total project costs; however, it is unknown as to how many applications this proposed legislation will create. Therefore, the fiscal impact to General Revenue is unknown, greater-than or equal-to \$1,000.



ASSUMPTION (continued)

The Division of Regulation and Licensure (DRL) currently processes Certificate of Need applications. The proposed legislation will require staff to review additional information; however, this will not create a significant change to time spent on the application process and is within the normal ebb and flow of work scope for DRL, so minimal time and expense will be required to conduct the requirements of the proposed legislation.

The DHSS anticipates being able to absorb these costs. However, until the FY21 budget is final, the department cannot identify specific funding source.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for the DHSS for fiscal note purposes.

**Oversight** notes the **Department of Social Services** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

§208.057 - Missouri HealthNet Eligibility Premium Payments

Officials from the **Department of Social Services (DSS)** state the provisions of this bill allow recipients who become ineligible for MO HealthNet due to increased income from employment to remain eligible if the recipient pays a premium. The premium amount would be based on the amount the recipient exceeds the maximum allowable monthly federal poverty income level (FPL) for the applicable family size with three premium levels. The provisions establish the following ways of paying the monthly premium, either through payroll deduction in conjunction with Department of Revenue (DOR), on a monthly basis by the recipient, or an alternative method to be determined by the division.

The bill also requires DSS to establish a program to assist recipients of MO HealthNet benefits to transition off of MO HealthNet while they work towards gaining employment and would allow recipients who pay their premiums to be eligible for voluntary training.

The Family Support Division (FSD) determined there will be approximately 3,902 participants eligible for this program annually if the provisions of this bill are enacted.

FSD arrived at 3,902 participants in this manner:

System limitations prevented FSD from identifying the population whose case closed due to increased income from employment prior to July 2019. Therefore, FSD used data from July 2019 to December 2019 to determine this information and quantified the total to estimate an

ASSUMPTION (continued)

annual population of participants who closed due to increased income from employment. FSD determined between July 2019 to December 2019, there were 1,951 participants who lost MO HealthNet eligibility due to increased income from employment.

Currently, the population of participants whose case closes due to increased income from employment could be eligible for the Transitional MO HealthNet (TMH) program which would provide coverage for up to 12 months.

For the purposes of this legislation, FSD assumes the program:

- Is applicable to any adult age 19-64 who becomes ineligible for MO HealthNet for Families and is either not eligible for TMH or has exceeded the benefit period of TMH;
- Does not apply to children who become ineligible due to their parent(s)' increased income from employment;
- Does not include adults who are receiving MO HealthNet for the Aged, Blind, and Disabled as participants remain eligible with a spend down or an increased spend down when the participant has increased income from employment;
- Will similarly follow the transition of the Children's Health Insurance Program (CHIP) non-premium to premium group;
- To assist recipients of MO HealthNet to transition off MO HealthNet is voluntary and only applies to adults age 19-64 who become ineligible for MO HealthNet for Families due to increased income from employment;
- For voluntary training only applies to adults age 19-64 who become ineligible for MO HealthNet for Families and meet the premium program requirements.

Because it is not specified in the provisions of this bill, FSD assumes enrollment in the program established by these provisions will follow the transition of non-premium to premium model based on the Children's Health Insurance Program (CHIP). Based on this model, participants will receive a 60 day transition period, allowing access to health benefits for 60 days and time to meet the premium obligation. MO HealthNet Division (MHD) will invoice the participant. If the initial or recurring premium is not paid after 60 days, FSD will be notified by MHD to close the case.

ASSUMPTION (continued)

Due to system limitations, the amount of excess income for participants whose case closed due to increased income from employment is unknown. Therefore, FSD was unable to identify the exact number of participants that would meet the requirements of the three premium levels. To estimate the population impacted by this provision, FSD reviewed a sample of participants who closed due to increased income from employment. Based on this review, FSD estimates the average dollar amount over the FPL income maximum is \$1,220. FSD estimates 61% of participants would fall into the third premium tier (income exceeds FPL by more than \$1,000) and be required to pay 75% of the amount by which the income exceeds the maximum, 17% of participants would fall into the second premium tier (income exceeds FPL by more than \$500 but no more than \$1,000) and be required to pay 50% of the amount by which the income exceeds the maximum, and 22% of participants would fall into the first premium tier (income exceeds FPL by no more than \$500) and be required to pay 25% of the amount by which the income exceeds the maximum.

It is unknown how many participants will utilize the voluntary program to assist in transitioning off of MO HealthNet. Therefore, FSD estimates that 0 to 3,902 participants will participate and the total expenditures could be between \$0 to \$3,902,000 ( $3,902 * \$1,000$ ) to administer the program. FSD estimates an additional two (2) FTE (Program Development Specialists at \$53,370 plus fringe benefits annually) will be needed ( $3,902/2,000 = 1.6$  rounded up).

Based on discussions with DSS officials, **Oversight** notes the \$1,000 per person expenditure is consistent with similar public assistance work resources and community engagement bills, and based on the existing Skill Up program for SNAP recipients. Oversight does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by FSD for fiscal note purposes.

**DSS** would request a waiver from Centers for Medicare and Medicaid Services (CMS) to implement the provisions of this legislation. DSS estimates it would take approximately a year to obtain CMS approval of the waiver. Due to the time it takes to obtain the waiver, implementation of this program could not begin until July 1, 2021. If the waiver was not approved the cost for the program would be funded entirely by General Revenue.

Therefore, based on the provisions of this legislation and the assumptions identified, FSD estimates the fiscal impact would be \$0 to \$3,902,000 in FY 2021 (for a full year if it were implemented at that time); \$0 to \$3,999,550 in FY 2022; and \$0 to \$4,099,539 in FY 2023 using a 2.5% inflation rate; and an additional 2 FTE.

ASSUMPTION (continued)

FSD defers to MO HealthNet Division (MHD) regarding any services or medical expenses the participant may incur from the date of application.

FSD defers to OA-ITSD regarding costs associated with system changes necessary to implement the provisions of this bill.

**Oversight** notes DSS assumes it will need a total of 2 FTE as a result of the provisions of this proposal. Based on discussions with DSS officials, it is assumed the additional FTE can be housed within current DSS locations. However, if multiple proposals pass during the legislative session requiring additional FTE, cumulatively the effect of all proposals passed may result in DSS needing additional rental space. DSS officials also stated that, although the salary and fringe expenses for the new FTE will not begin until FY 2022, they intend to have the office equipment and set-up completed in FY 2021 at a cost of \$13,660 GR.

**Oversight** has, for fiscal note purposes only, changed the starting salary for a Program Development Specialist to correspond to the average salary calculated from the Missouri Accountability Portal 2019 calendar year. This decision reflects the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DSS** state the Family Assistance Management Information Systems (FAMIS), the Missouri Eligibility Determination and Enrollment System (MEDES), the MO HealthNet systems would need to be updated to comply with this proposal.

FAMIS changes include but are not limited to: extensive changes to the existing income eligibility determination process; changes to forms and notices; new screens and programs; and implementation of automatic payroll deductions. New interfaces with the Department of Revenue would need to be developed.

OA, ITSD/DSS assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for FAMIS are estimated at \$95/hour. It is assumed FAMIS modifications will require 1,239.84 hours for a cost of \$117,785 (1,239.840 \* \$95), 100% GR in FY 2021 exclusively.

MEDES provides case management and eligibility determination support for the set of MO HealthNet programs based on Modified Adjusted Gross Income (MAGI) criteria established by the Patient Protection and Affordable Care Act of 2010. §208.057 essentially creates a new subprogram for which eligibility will be triggered when eligibility ends for Transitional MO HealthNet coverage.

ASSUMPTION (continued)

This response assumes that coverage will be extended through an ex parte process that transitions the family from Transitional MO HealthNet to the new benefit program. The premium payment requirements and processes that are currently utilized for the Children's Health Insurance Program (CHIP) will be used with the addition of collecting payments through payroll deduction capabilities that do not currently exist. MEDES changes include but are not limited to: new interfaces; notices; management and operations reports; and new premium information.

Modifications for the MEDES system must be performed by Redmane. Hourly IT costs under this contract vary by position title and work type. It is estimated to take 3,504 hours for a total cost of \$595,680, 100% GR, in FY 21 exclusively.

Functionality for collecting premiums is shared by MO HealthNet Systems maintained by ITSD (state) and the Missouri Medicaid Information System hosted by Wipro (a contracted vendor). MEDES generates referral records that include action codes and premium amount to MO HealthNet Systems generates invoices and transmits records to the Medicaid Management Information System (MMIS) where accounts receivable are established. When a payment is not received by a specified date, MHN Systems follows up with delinquency notices to the family. Failure to pay results in a record being transmitted to MEDES and eligibility is discontinued.

Functionality for enrollment is also shared between MO HealthNet Systems and the MMIS. Referral records (open, close, region change, address change, etc.,) are generated by MEDES and processed by MO HealthNet systems. The enrollments are processed and records are transmitted to the MMIS which performs enrollment broker functions including mailing of enrollment packets.

New functionality will be required to support payments via payroll deduction and to support the new transition program and the voluntary training program.

It is estimated to take 1,209.6 hours for a total cost of \$114,912, 100% GR, in FY 21 exclusively.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by ITSD/DSS for fiscal note purposes.

A waiver would need to be requested for this legislation. Therefore, **MHD** assumes costs would begin in FY 2022.

MHD assumes any premium collections issues would be handled by the Beneficiary Support Center. MHD assumes there will be ongoing annual operational costs up to \$500,000 (\$250,000 GR; \$250,000 Federal) for invoicing, mailing, call center support, etc.

ASSUMPTION (continued)

MHD anticipates needing to add at least one new medical eligibility (ME) code for this legislation including developing a new interface. Depending on the timing, MHD may have to implement this into its existing systems and then implement into the new Enrollment Broker/Premium Collections vendor. MHD is estimating up to \$1.5 million in one-time costs, split 10% GR/90% Federal, to implement in the existing MMIS (\$150,000 GR; \$1,350,000 Federal).

MHD assumes if these participants lost their eligibility due to their income, they will be adults in managed care-like eligibility categories and not in the Aged, Blind and Disabled categories. Therefore, MHD will pay a per member per month (PMPM) fee to a health plan and assumes PMPM for carved out services. However, the cost of the PMPM will be at least partially offset by the premium paid by the participant.

Per FSD, approximately 3,902 participants would be eligible per year, or 325 participants per month. MHD found an average monthly rate of \$577.22 for this population. This rate includes carved-out services, which mainly includes DMH services as well as Pharmacy related services.

MHD would also be collecting premiums from this new population. Due to the differences depending on each participant's FPL, MHD assumes a range of possible premiums that would be collected. MHD found the starting premium could be as low as \$0.25 per member (\$1 above the maximum allowable monthly FPL times 25%) to \$750.75 (\$1,001 above the maximum allowable monthly FPL times 75%). The \$750.75 assumes the lower end of the third tier.

MHD assumes approximately 10% of the population whose income exceeds the maximum allowable monthly FPL by more than \$1,000 would still utilize MO HealthNet benefits due to the costs of the premium.

MHD assumes no extra costs in FY 2021 due to the timing to acquire a waiver. Therefore, MHD would start seeing additional costs beginning in FY 2022. Depending on whether a waiver would be approved by CMS, the totals could be all General Revenue costs. The population was ramped up in FY 2022. Since this is an optional program, MHD found a range starting at \$0 (if nobody decided to remain eligible).

FY21 Total: \$0

FY22 Total: \$2,000,000 to \$16,633,690 (GR: \$400,000 to \$16,633,690; Federal: \$1,600,000 to \$10,834,021)

FY23 Total: \$500,000 to \$27,516,043 (GR: \$250,000 to \$27,516,043; Federal: \$250,000 to \$17,922,024)

ASSUMPTION (continued)

For fiscal note purposes, **Oversight** will present two scenarios regarding the potential total costs for this proposal. In the first scenario, Oversight assumes the state will acquire the federal waiver. Under this scenario, **Oversight** assumes a FY21 impact of \$13,660 GR; an FY22 impact of “could exceed” \$17,732,984 to \$24,170,320 (\$6,394,833 to \$11,596,084 GR; \$11,338,151 to \$12,574,236 Federal); and an FY23 impact of \$26,698,469 to \$34,301,614 (\$8,768,821 to \$14,089,962 GR; \$17,929,648 to \$20,211,652 Federal).

In the second scenario, **Oversight** assumes does not receive the federal waiver. Under this scenario, **Oversight** assumes a FY21 \$13,660 GR; an FY22 impact of “could exceed” \$17,028,639 to \$22,925,975 (\$14,928,639 to \$20,825,975 GR; \$2,100,000 Federal); and an FY23 impact of \$24,401,217 to \$32,004,362 (\$24,151,217 to \$31,754,362 GR; \$250,000 Federal).

In response to legislation with similar rules language, officials from the **Office of the Secretary of State (SOS)** assumed 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 the 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.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

**For purposes of this fiscal note, Oversight assumes DSS receives the federal waiver and is presenting only Scenario 1 in the table.**

§208.175 - Drug Utilization Review Board Reorganization

Officials from the **Governor’s Office** state, §208.175 describing the Drug Utilization Review Board and its membership made up of gubernatorial appointments, is amended.

There should be no added cost to the Governor's Office as a result of these measures.

ASSUMPTION (continued)

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the no fiscal impact assumed by the Governor's Office for fiscal note purposes.

**Oversight** notes the **Department of Social Services** has stated the proposal would not have a direct fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

§§209.150, 209.200 and 209.204 - Service Dogs and Service Dog Misrepresentation

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes regarding the misrepresentation of a dog as a service dog - a new class C misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.



ASSUMPTION (continued)

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

In response to a previous version (SS SB 644), officials from the **Office of the 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 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 the 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.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could require additional resources.

**Oversight** notes the **Department of Public Safety - Missouri State Highway Patrol**, the **Department of Social Services**, and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their respective organizations.

In response to a previous version, **Oversight** notes the **Department of Health and Senior Services** and the **Governor's Office** have each stated the proposal would not have a direct fiscal impact on their organizations.

**Oversight** notes the **Springfield Police Department** and the **St. Louis County Police Department** have each stated the proposal would not have a direct fiscal impact on their organizations.

In response to a previous version (SB 644), officials from the **Boone County Sheriff's Department** and the **Lawson Police Department** stated the proposal would not have a direct fiscal impact on their respective organizations.

ASSUMPTION (continued)

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§217.850, 577.800, and 632.460 - Unlawful Use of Unmanned Aircraft (Drones)

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes relating to the unlawful use of an unmanned aircraft near a correctional center. These new crimes range from a new class A misdemeanor to a class B felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases where the right to counsel attaches.

**Oversight** notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity, and the increase in workload resulting from this bill cannot be absorbed with SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

**Oversight** assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

ASSUMPTION (continued)

**Oversight** notes the **Department of Corrections (DOC)** has stated the proposal would not have a direct fiscal impact on their organization. DOC notes the legislation includes the requirement that the department post a warning sign, no smaller than 11" x 14". The cost of the sign from Missouri Vocational Enterprise (MVE) is approximately \$65 each. Therefore, the cost to place one sign at all 22 prisons would be \$1,430 (\$65 x 22). These costs will be absorbed by the Department.

**Oversight** notes §577.800.5 requires a 11" x 14" warning sign at each high capacity venue. Oversight assumes the cost for these signs will be minimal and, therefore, can be absorbed.

**Oversight** does not have any information contrary to that provided by DOC. Therefore, Oversight will reflect DOC's no impact for fiscal note purposes.

**Oversight** notes the **Department of Public Safety - Missouri State Highway Patrol**, the **Department of Transportation**, the **Springfield Police Department**, the **St. Louis County Police Department**, and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct 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.

§261.099 - Inspections of Certain Agricultural Grounds and Facilities

In response to a similar proposal (HCS HB 1583), officials from the **Department of Health and Senior Services** assumed the proposal will have no fiscal impact on their organization.

In response to a similar proposal (HCS HB 1583), officials from the **Columbia/Boone County Public Health and Human Services** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version (HB 1583, officials from the **Cooper County Public Health Center** and **Boone County Sheriff's Office** 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 on the fiscal note for these agencies.

§262.760 - Working Animals

Officials from the **Department of Agriculture (MDA)** assume the proposal will have no fiscal impact on their organization.

ASSUMPTION (continued)

In response to a similar proposal (HCS HB 1752), officials from the **City of Kansas City** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version (HB 1752), officials from the **City of Springfield** assumed the proposal would have no fiscal impact on their organization.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

§311.020 - Powdered Alcohol

**Oversight** notes the **Department of Public Safety - Divisions of Alcohol and Tobacco Control** and **Missouri State Highway Patrol**, the **Department of Transportation**, the **Department of Conservation**, and the **Office of Administration** have stated the proposal would not have a direct 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.

§376.383 - Prompt Payment of Health Insurance Claims

Officials from the **Department of Commerce and Insurance** and the **Missouri Consolidated Health Care Plan** 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 on the fiscal note.

§376.782 - Insurance Coverage for Breast Cancer

In response to a similar proposal (HCS SB 551), officials from the **Department of Commerce and Insurance** and the **Department of Health and Senior Services** each assumed the proposal will have no fiscal impact on their respective organizations.

Officials from the **Missouri Consolidated Health Care Plan**, the **Department of Public Safety - Missouri Highway Patrol** and the **Department of Social Services** 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 on the fiscal note.

§376.1578 - Credentialing of Health Care Practitioners

In response to a similar proposal (HB 2508), **Oversight** notes the **Department of Commerce and Insurance** has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

ASSUMPTION (continued)

§§595.201 and 595.202 - Sexual Assault Survivors' Bill of Rights

Officials from the **Department of Public Safety - Office of the Director (DPS)** state the Department of Public Safety is required to hold five meetings per year of the ten members as described in the legislation.

Based on administrative support currently provided for similar boards and claims processing, the department would need an additional full-time Processing Technician II at a salary of \$32,647. In addition, it is anticipated there will be costs of the reimbursable expenses incurred by the task force members. It is estimated the ten-member task force would incur the following expenses which are based on the meal per diem and CONUS rates for Jefferson City:

Breakfast and lunch (\$16/day x 5 meetings)	\$ 800
Mileage (Average of 60 miles/person x \$0.43/mile x 5 meetings)	\$1,290
2 Nights Lodging (Jefferson City Conus rate of \$96/night x 5 meetings)	\$9,600
Development, printing, publication and distribution costs x 5 meetings	\$5,000
Staff travel	\$ 500

Per 595.202.6, the task force shall expire on December 31, 2021.

**Oversight** notes the legislation does not state the number of meetings the Missouri Rights of Victims of Sexual Assault Task Force is required to hold during the year. Oversight assumes DPS has sufficient staff to handle any increase in workload required under the provisions of this proposal. Oversight will assume the 10 members may incur costs of (Up to \$17,190) annually. Oversight will assume this cost will be paid from General Revenue.

Officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** state one FTE can handle approximately 240 cases per year. With more than 600 sexual assault cases per year and thousands in a backlog, the lab will need one (1) extra FTE to handle the calls and communications.

**Oversight** does not have any information contrary to that provided by MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes to the General Revenue Fund.

Officials from the **State Public Defender's Office (SPD)** state to the extent this bill may cause victims to not want to give interviews to the defense, this could make it harder to investigate sex crimes.

ASSUMPTION (continued)

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **St. Louis County Police Department (SLCPD)** state although the creation of this database is going to create viable leads in cold case investigations, who investigates the lead when there is an anonymous survivor? An expansion of our Department's Cold Case Unit may be required if investigations increase. An increase of one full-time detective, who earns approximately \$47 an hour with benefits would cost approximately \$97,760 annually.

Mentioned several times in the legislation is the survivor's access to a sexual assault advocate or counselor. Although the Department recognizes this is an important service for survivor's, the legislation does not address where funding for this will come from. If the Department is required to provide the service, based on population size, one additional advocate and two additional detectives would be necessary. The average detective earns approximately \$47 an hour with benefits. Two detectives would cost at least \$195,520 annually. The advocate would earn approximately \$26.25 an hour with benefits or \$54,600 annually.

Finally, training would be required for all police staff due to the significant changes in sexual assault investigations. The Department currently has approximately 1,100 sworn positions at an average hourly pay of \$46.87. All sworn personnel would be required to attend, at minimum, one hour of training. Training would be a one-time cost of \$51,557. Therefore, the annual cost for the SLCPD would be approximately \$399,437 (\$97,760 + \$195,520 + \$54,600 + \$51,557).

**Oversight** notes the cost for the St. Louis County Police Department; however, Oversight is unable to project a statewide cost for police and sheriff's departments; therefore, the impact to local governments will be presented as \$0 to (Unknown).

**Oversight** notes the **Springfield Police Department** and the **St. Louis County Department of Justice Services** have each stated the proposal would not have a direct fiscal impact on their organizations.

In response to a similar proposal (SCS SB 812), **Oversight** notes the **Department of Health and Senior Services** has stated the proposal would not have a direct fiscal impact on their organization.

In response to a previous version (SB 812), officials from the **University of Missouri Health Care** stated the proposed legislation, as written, should not create a negative impact.

ASSUMPTION (continued)

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§595.220 - Evidentiary Collection Kits

Officials from the **DPS, DO** state §595.220.11 provides that the DPS shall develop and retain within the state a central repository for unreported evidentiary collection kits in a temperature controlled environment. These kits shall be kept for 5 years.

§595.220.8 adds a definition for "component" as any piece of evidence that contains, or may contain, DNA related to the sexual offense for which the forensic examination was performed and that is not stored or maintained within the evidentiary collection kit. Previous versions of the bill only required DPS to maintain evidentiary collection kits, which are small boxes. Requiring DPS to store components, which include large amounts of additional items such as clothing, bedding, bodily fluids or other items that may require either storing on shelves or refrigeration, results in the need for additional storage space and equipment.

DPS-DO worked with the Missouri State Highway Patrol (MHP) to arrive at a potential for 1,000 unreported kits each year that will need to be stored. Current cost for a temperature controlled environment for storage in Jefferson City would be \$5.88/sq. ft. DPS anticipates that 2,500 sq. ft. would be needed for the storage.  $\$5.88 \times 2,500 = \$14,700/\text{year}$  storage costs.

In addition to the storage space, DPS assumes closed in steel shelving (20, 6 shelve units) costing \$7,260; 2 reach-in commercial refrigerators costing \$6,778; and 1 Max cold 49-cu frost free freezer costing \$4,249 will be needed (total cost \$18,287).

This is only an estimated cost. The amount of component items that might need to be stored is unknown.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect the costs provided by DPS as "Could exceed..." for FY 2021. Oversight assumes, for purposes of the fiscal note, additional equipment would be a one-time cost and, therefore, will present only storage costs for FY 2022 and FY 2023.

Officials from the **St. Louis County Police Department (SLCPD)** estimate the proposed bill will have a time impact on the St. Louis County Police Crime Laboratory. Through November 2019, the Crime Lab has received 178 kits. It is estimated, in 2020, there will be approximately 200 kits. The proposed changes would require an hour of processing, at the rate of \$23 per hour per kit. This increase totals \$4,600 annually and \$13,800 over the three years of this fiscal note.

ASSUMPTION (continued)

It is important to note that, in addition to costs, there would be an increase in the Crime Lab's backlog due to the requirements proposed in this bill.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect (Unknown) total costs to all Missouri local police departments for fiscal note purposes.

**Oversight** notes, in response to the previous version of this proposal, **St. Louis County**, the **St. Louis County Department of Justice Services** and the **Springfield Police Department** have each stated the proposal would not have a direct 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 organizations.

Bill 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.

**Oversight** assumes because the potential for litigation is speculative that the AGO will not incur significant costs related to this proposal. If a fiscal impact were to result, the AGO may require additional resources.

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.

**Oversight** assumes JCAR will be able to administer any rules resulting from this proposal with existing resources.

**Oversight** notes the **Department of Public Safety - Fire Safety**, the **Department of Natural Resources**, the **Department of Labor and Industrial Relations**, the **Department of Mental Health**, the **Department of Higher Education and Workforce Development**, the **Department of Revenue**, and the **Metropolitan St. Louis Sewer District** have each stated the proposal would not have a direct fiscal impact on their organizations.

In response to a previous version, **Oversight** notes the **Office of State Courts Administrator** has stated the proposal would not have a direct fiscal impact on their organization.

**Oversight** notes the **Department of Commerce and Insurance (DCI)** has stated the proposal would not have a direct fiscal impact on their organization. However, should the extent of the work be more than anticipated, DCI may request additional appropriation and/or FTE through the budget process.



ASSUMPTION (continued)

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 public schools, charter schools, hospitals, nursing homes, utilities, EMS, police and sheriffs' departments and the St. Louis Regional Convention and Sports Complex 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 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b>			
<u>Revenue</u> - DHSS (§197.318) Certificate of Need p. 8	Greater than \$1,000	Greater than \$1,000	Greater than \$1,000
<u>Cost</u> - MHP (§§595.201 and 595.202) Increased number of sexual assault cases p. 21			
Personal Services	(\$38,380)	(\$46,517)	(\$46,982)
Fringe Benefits	(\$34,266)	(\$41,530)	(\$41,946)
Lab Supplies, training, etc.	(\$15,000)	(\$15,375)	(\$15,759)
Equipment and Expense	(\$6,509)	(\$667)	(\$683)
Total Cost - MHP	<u>(\$94,155)</u>	<u>(\$104,089)</u>	<u>(\$105,370)</u>
FTE Change - MHP	1 FTE	1 FTE	1 FTE
<u>Cost</u> - DPS (§§595.201 and 595.202) Expenses of the 10 members of the Missouri Right of Victims of Sexual Assault Task Force p. 21			
	(Up to \$17,190)	(Up to \$17,190)	\$0
<u>Cost</u> - SPD Salaries, fringe benefits, and equipment and expense	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Cost</u> - DPS (§595.220) - Additional space and equipment for storage of evidence p. 23	(Could exceed \$32,987)	(\$14,700)	(\$14,700)
<u>Transfer Out</u> - DESE (§160.485) Bleeding control kits and school personnel training p. 4	\$0 to (Could exceed \$1,494,350)	\$0 or (Could exceed \$100,000)	\$0 or (Could exceed \$100,000)

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
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**GENERAL REVENUE FUND**  
 (continued)

**SCENARIO 1 - With Federal Waiver**

<u>Income - DSS (§208.057) Premiums</u> p. 9-12	\$0	\$2,211 to \$663,912	\$4,082 to \$1,225,684
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<u>Cost - DSS (§208.057) p. 9-12</u>			
Personal service	\$0	(\$87,171)	(\$88,043)
Fringe benefits	\$0	(\$51,989)	(\$52,279)
Equipment and expense	(\$13,660)	(\$9,916)	(\$10,164)
MMIS system changes	\$0	(\$150,000)	\$0
Invoicing/Mailing/Call Center	\$0	(\$250,000)	(\$250,000)
Net Premium Costs	<u>\$0</u>	<u>(\$6,999,669)</u>	<u>(\$9,594,019)</u>
<u>Total Cost - DSS</u>	<u>(\$13,660)</u>	<u>(\$7,548,745)</u>	<u>(\$9,994,505)</u>
FTE Changes	0 FTE	2 FTE	2 FTE

<u>Cost - DSS (§208.057) Contract for</u> employment assistance resources p. 9-12	\$0	\$0 to (\$3,999,550)	\$0 to (4,099,539)
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<u>Cost - OA, ITSD/DSS (§208.057)</u> p. 12-13			
FAMIS system updates	(\$117,785)	\$0	\$0
MEDES system updates	(\$595,680)	\$0	\$0
MHD system updates	<u>(\$114,912)</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Cost - OA, ITSD/DSS</u>	<u>(\$828,377)</u>	<u>\$0</u>	<u>\$0</u>

\* High end of range is potential costs if all eligibles participated in the work assistance program and low premium income estimate.

<b>ESTIMATED NET EFFECT ON THE</b> <b>GENERAL REVENUE FUND</b>	<u><b>(Could exceed</b></u> <u><b>\$2,579,719)</b></u>	<u><b>Up to</b></u> <u><b>(\$11,219,362)</b></u>	<u><b>Up to</b></u> <u><b>(\$13,187,430)</b></u>
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Estimated Net FTE Change on the General Revenue Fund	1 FTE	3 FTE	3 FTE
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<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>CRIMINAL RECORD SYSTEM FUND (0671)</b>			
<u>Income</u> - DPS, MHP (§195.815) - Increase in background check fees p. 7	<u>\$76,560</u>	\$43,472 to <u>\$85,800</u>	\$43,472 to <u>\$85,800</u>
<b>ESTIMATED NET EFFECT ON THE CRIMINAL RECORD SYSTEM FUND</b>	<b><u>\$76,560</u></b>	<b><u>\$43,472 to</u> <u>\$85,800</u></b>	<b><u>\$43,472 to</u> <u>\$85,800</u></b>
<b>FEDERAL FUNDS</b>			
<b>SCENARIO 1 - With Federal Waiver</b>			
<u>Income</u> - DSS (§208.057) Premiums p. 9-12	\$0	\$4,130 to \$1,240,215	\$7,624 to \$2,289,628
<u>Income</u> - DSS (§208.057) Program and process reimbursements p. 9-12	\$0	\$10,834,021	\$17,922,024
<u>Cost</u> - DSS (§208.057) p. 9-12			
MMIS system changes	\$0	(\$1,350,000)	\$0
Invoicing/Mailing/Call Center	\$0	(\$250,000)	(\$250,000)
Net Premium Costs	<u>\$0</u>	<u>(\$9,234,021)</u>	<u>(\$17,672,024)</u>
<u>Total Cost</u> - DSS	<u>\$0</u>	<u>(\$10,834,021)</u>	<u>(\$17,922,024)</u>
<u>Cost</u> - DSS (§208.057) Premium used for program distribution p. 9-12	<u>\$0</u>	(\$4,130 to <u>\$1,240,215)</u>	(\$7,624 to <u>\$2,289,628)</u>
<b>ESTIMATED NET EFFECT TO FEDERAL FUNDS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Local Government

FY 2021  
(10 Mo.)

FY 2022

FY 2023

**POLITICAL SUBDIVISIONS**

Transfer In - from General Revenue  
 (§160.485) to School Districts p. 3-4

\$0 to Could  
 exceed  
 \$1,494,350

\$0 or Could  
 exceed  
 \$100,000

\$0 or Could  
 exceed  
 \$100,000

Cost - (§160.485) for cost of bleeding  
 control kits and school personnel training  
 p. 3-4

\$0 to (Could  
 exceed  
 \$1,494,350)

\$0 or (Could  
 exceed  
 \$100,000)

\$0 or (Could  
 exceed  
 \$100,000)

Cost - Police and Sheriff's Departments  
 (§§595.201 and 595.202) Increased costs  
 for additional staff and training p. 22

\$0 to  
 (Unknown)

\$0 to  
 (Unknown)

\$0 to  
 (Unknown)

Cost - Police Departments (§595.220) -  
 Tracking of evidentiary collection kits  
 p. 23-24

(Unknown)

(Unknown)

(Unknown)

**ESTIMATED NET EFFECT TO ALL  
 POLITICAL SUBDIVISIONS**

\$0 to  
(Unknown)

\$0 to  
(Unknown)

\$0 to  
(Unknown)

FISCAL IMPACT - Small Business

This proposal may impact small businesses that provide supplies, materials, equipment, etc that will be provided in the bleeding control kit. (Section 160.485)

This proposal will negatively impact small businesses in the medical marijuana industry if they pay the background check fees for potential employees. (§195.815)

Small businesses that may sell powdered alcohol could be impacted by this proposal. (§311.020)

A fiscal impact to small insurance companies could be expected as a result of this proposal. (§376.383)

## FISCAL DESCRIPTION

### BLEEDING CONTROL KITS (Section 160.485)

This bill defines "bleeding control kits" and requires the Department of Elementary and Secondary Education (DESE) to develop a traumatic blood loss protocol for school personal by January 1, 2021.

The bill outlines the specific requirements for the blood loss protocol which shall include a bleeding control kit in each classroom in a school district. Additionally, each district must designate a minimum of five school personnel to receive annual training on the use of a blood control kit.

The bill requires DESE and each school district and charter school to maintain information regarding the traumatic blood loss protocol and the Stop the Bleed national awareness campaign on their respective websites.

### MEDICAL MARIJUANA INDUSTRY (Sections 191.255 and 195.815)

This bill creates a class E felony when a state agency, including employees, discloses to the federal government or any federal employee, or any unauthorized third party, the statewide list of persons who have obtained a medical marijuana card. (§191.255)

Under the provisions of this bill, the Department of Health and Senior Services (DHSS) shall require all employees, officers, managers, staff, and owners of marijuana facilities to submit fingerprints for criminal background checks to the State Highway Patrol. The fingerprint submissions must be a part of the medical marijuana facility application. All fingerprint cards and fees must be sent to the State Highway Patrol. The fingerprints will also be forwarded to the FBI for a federal criminal background check. (§195.815)

This proposal contains an effective clause of July 1, 2020.

### SERVICE ANIMALS (Sections 209.150, 209.200, and 209.204)

This act modifies the definition of a "service dog" to be a dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Additionally, this act adds "mental health service dog" to the definition of a service dog. A mental health service dog, or a psychiatric service dog, is a dog that has been individually trained for an owner who has a psychiatric disability, medical condition, or developmental disability. The dog is trained to perform tasks to mitigate or assist the owner with difficulties directly related to the disability.

Under this act, any person knowingly misrepresenting a dog as a service dog, as described in the act, for the purposes of receiving accommodations regarding service dogs under the Americans with Disabilities Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense. Additionally, any person knowingly misrepresenting

FISCAL DESCRIPTION (continued)

any animal as an assistance animal, as described in the act, for the purposes of receiving accommodations regarding assistance animals under the Fair Housing Act or the Rehabilitation Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense.

The Governor's Council on Disability shall prepare and make available online a placard for posting in a front window or door of a business stating that service dogs are welcome and that misrepresenting a service dog is a violation of Missouri law. The Council shall also prepare and make available a brochure detailing guidelines regarding service dogs and assistance animals.

USE OF AN UNMANNED AIRCRAFT (Sections 217.850, 577.800, and 632.460)

This bill creates the offense of unlawful use of an unmanned aircraft near a correctional center, mental health hospital, or certain open air facilities, including sports stadiums holding 5,000 or more persons, as defined in the bill.

A person commits such offense if he or she purposely operates an unmanned aircraft within a distance of 400 feet of a correctional center, mental health hospital, or open air facility as specified in the bill or allows an unmanned aircraft to make contact with a correctional center, mental health hospital, or open air facility, including any person or object on the premises of or within the facility. The bill provides exceptions to the offense including a law enforcement agency, fire department, or utility company under specified circumstances.

The offense of unlawful use of an unmanned aircraft near a correctional center or mental health hospital is an infraction unless the person uses the unmanned aircraft for the purpose of:

- (1) Delivering a weapon or other article that may be used in such a manner to endanger the life of an offender or correctional center or mental health hospital employee, in which case it is a class B felony;
- (2) Facilitating an escape from confinement, in which case it's a class C felony; or
- (3) Delivering a controlled substance, in which case it is a class D felony.

Each correctional center or mental health hospital shall post a sign of the provisions of the offense. The sign must be at least 11" by 14" and be posted in a conspicuous location.

SEXUAL ASSAULT SURVIVOR RIGHTS (Section 595.201.2)

Under this act, certain rights are provided for survivors of sexual assault during any forensic examination and during any interview by a law enforcement official, prosecuting attorney, or defense attorney. The following rights are afforded to survivors of sexual assault crimes:

FISCAL DESCRIPTION (continued)

- Survivors have the right to consult with an employee or volunteer of a rape crisis center during any forensic examination and also have a support person with them;
- Survivors have the right to consult with an employee or volunteer of a rape crisis center during any interview with a law enforcement official, prosecuting attorney, or defense attorney and also have a support person with them;
- Survivors shall not be charged for the forensic examination and evidentiary collection kits shall be purchased, subject to appropriation, by the Department of Public Safety;
- Medical providers must inform survivors of their rights before commencing a forensic examination;
- Law enforcement officers, prosecuting attorneys, or defense attorneys must inform survivors of their rights before commencing a medical evidentiary or physical examination;
- Law enforcement officers, prosecuting attorneys, or defense attorneys cannot discourage a survivor from receiving a medical evidentiary or physical examination;
- Survivors have the right to prompt analysis of sexual assault forensic evidence through a secure and confidential message in writing from the crime lab;
- A defendant has no standing to object to any failure to comply to provisions of this act by a survivor;
- Failure of a law enforcement agency to take possession of any sexual assault forensic evidence or to submit evidence within the proscribed time period does not preclude the law enforcement agency from later submitting the evidence;
- No sexual assault forensic evidence shall be used to prosecute a survivor for any misdemeanor crime, however, sexual assault forensic evidence shall be admissible in any criminal or civil proceeding against the defendant;
- Law enforcement officers and medical providers must provide survivors with a document developed by the Department of Public Safety that explains the rights of survivors under this act;
- A law enforcement officer, upon request from a survivor, must furnish within 14 days an unaltered copy of all law enforcement reports concerning the sexual assault at no cost to the survivor;

FISCAL DESCRIPTION (continued)

- A prosecuting attorney, upon request from a survivor, must provide timely notices of any pretrial or final dispositions of the case, location of the convicted defendant, and the convicted defendant's information on a sex offender registry, if any;
- Survivors have the right to be reasonably protected from the defendant and persons acting on behalf of the defendant in either a civil or criminal case relating to the sexual assault;
- Survivors have the right to be free from intimidation, harassment, and abuse;
- Survivors shall not be required to submit to a polygraph examination as a prerequisite to filing a pleading or participating in proceedings; and
- Survivors have the right to be heard through survivor impact statements at any proceeding where a right of the survivor is at issue.

**MISSOURI RIGHTS OF VICTIMS OF SEXUAL ASSAULT TASK FORCE (Section 595.202)**  
This act creates the "Missouri Rights of Victims of Sexual Assault Task Force" to consist of membership as set forth in the act.

The task force shall make certain recommendations as provided in the act. The task force shall collect data regarding sexual assault reporting, arrest, prosecution rates, access to sexual assault victims services, and any other important data, as well as collect feedback from stakeholders, practitioners, and leadership throughout the state and local law enforcement, victim services, forensic science practitioners, and health care communities.

The task force shall submit a report on its findings no later than December 31, 2021. The task force shall expire on December 31, 2021.

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 Agriculture  
Department of Commerce and Insurance  
Department of Conservation  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Higher Education and Workforce Development  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Natural Resources  
Department of Public Safety  
Department of Revenue  
Department of Social Services  
Department of Transportation  
Governor's Office  
Joint Committee on Administrative Rules  
Legislative Research  
Missouri Consolidated Health Care Plan  
Missouri House of Representatives  
Missouri Office of Prosecution Services  
Missouri Senate  
Office of Administration  
Office of State Courts Administrator  
Office of Secretary of State  
Oversight Division  
State Public Defender's Office  
Boone County Sheriff's Department  
Springfield Police Department  
St. Louis County Police Department  
St. Louis County Department of Justice Services  
St. Louis County

SOURCES OF INFORMATION (continued)

Lawson Police Department  
Maries County R-1 School District  
Metropolitan St. Louis Sewer District  
Lafayette Preparatory Academy  
City of Springfield  
City of Kansas City  
Cooper County Public Health Center  
Columbia/Boone County Public Health and Human Services  
University of Missouri Health Care



Julie Morff  
Director  
May 8, 2020



Ross Strobe  
Assistant Director  
May 8, 2020