

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3762-03
Bill No.: Perfected SCS for SB 617
Subject: Drugs and Controlled Substances; Fire Protection Districts; Department of Health and Senior Services
Type: Original
Date: February 24, 2020

Bill Summary: This proposal provides for the distribution of epinephrine auto-injector devices to fire protection districts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$226,000)	(Less than \$229,500)	(Less than \$232,379)
Total Estimated Net Effect on General Revenue	(Less than \$226,000)	(Less than \$229,500)	(Less than \$232,379)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Epinephrine Auto-Injector Devices for Fire Personnel*	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

* Transfers In and expenditures of approximately \$130,000 annually net to zero.

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 8 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§321.621 - Epinephrine auto-injector devices

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation provides for the distribution of epinephrine adult auto-injector devices to fire protection districts.

This will require promulgation of new rules and ordering supplies for the program. DHSS assumes it will take a Health and Senior Services Manager (salary \$68,802) approximately 40 hours to make the required changes to state rules. Based on 2,080 working hours per year, this would require 0.02 FTE to assume these duties (40 hours ÷ 2,080 hours per year = 0.02) for a total personal service cost of \$1,376 ($\$68,802 \times 0.02$) in FY 2021.

Ordering supplies are within the normal duties for the Divisions of Regulation and Licensure's Financial Support Services Unit. It is assumed it will take an Executive I (salary \$36,050) approximately 100 hours to process injector orders (0.5 minutes per order x 200 fire protection districts = 100 hours). Based on 2,080 working hours per year, this would require 0.05 FTE to assume these duties (100 hours ÷ 2,080 hours per year = 0.05) for a total personal service cost of \$1,803 ($\$36,050 \times 0.05$).

The department anticipates being able to absorb these costs. However, until the FY 2021 budget is final, the department cannot identify specific funding sources.

According to the State Fire Marshall's Office, there are 200 fire protection districts in Missouri which would qualify to receive the injectors. It is estimated that each district would require two injectors annually, totaling 400 injectors annually. They are sold in packages of 2 for approximately \$600. The cost of 400 injectors (200 packages) will be \$120,000 in FY 2021, \$123,000 in FY 2022 and \$126,075 in FY 2023.

It is assumed the auto-injectors would be directly shipped from the manufacturer to the fire protection districts. Shipping cost is assumed to be five percent of product cost, or \$30 per package ($\$599.99 \times 0.05 = \30) for a total shipping cost of \$6,000 in FY 2021, \$6,150 in FY 2022 and \$6,304 in FY 2023.

Oversight contacted DHSS to determine why the number of the epi-pens in this version changed from the original bill. In the original bill, DHSS assumed epi-pens would be provided for both adult and pediatric patients. This version states specifically the DHSS shall issue epinephrine

ASSUMPTION (continued)

auto-injector devices for adult patients; therefore, DHSS adjusted the numbers accordingly. Oversight also notes the DHSS assumed the auto-injectors would be shipped directly from the manufacturer to the State Fire Marshall's Office at no cost to DHSS in 3762-01. However, it has now been determined the auto-injectors will ship to each fire protection district at a cost of \$30 per package.

Oversight does not have any information contrary to that provided by DHSS. Therefore, Oversight will reflect DHSS's impact for fiscal note purposes to the Epinephrine Auto-Injector Devices for Fire Personnel Fund. Oversight will assume the new fund will receive an appropriation from the General Revenue Fund and therefore, net to zero.

Oversight notes the **Department of Public Safety - Fire Safety (FS)** 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.

Oversight contacted FS to determine if fire protection districts in non-metropolitan areas of Missouri currently have epi-pens they can administer, if needed. Fire Safety officials indicated they conducted a study on the budgetary impact of the purchase, use of, and training for Epinephrine Auto-Injector Pens. This study was only conducted in non-metro areas of the state (per U.S. Census data) and only for Fire Protection Districts (per DFS FD Registration Data).

Thirty-seven departments out of 168 non-metro fire departments registered in 2019 responded as follows:

One department carries or uses epi-pens on response vehicles; 36 do not. For the department that carries epi-pens, only one injector is available for the whole department but none have been used on an annual basis. The cost of the injector was \$300 and the annual training cost is \$1,000.

Of the 36 departments that do not have injectors, 16 state that funding is the reason they do not carry the injectors, and 20 state that funding was not a factor in their decision to not carry injectors.

Oversight assumes that if the DHSS provides epi-pens to fire protection districts in non-metropolitan areas of Missouri, those organizations can absorb the cost of annual training. With the information provided above, Oversight assumes this program would not result in a material savings to fire protection districts (no longer required to purchase auto-injectors on their own).

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.

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 acquisition, sale, or purchase of epinephrine auto-injector devices - a new class B 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.

Oversight notes the **Department of Natural Resources**, the **Department of Public Safety - (Capitol Police and Missouri State Highway Patrol)**, the **Department of Social Services**, the **Department of Conservation**, the **Office of State Courts Administrator**, the **State Treasurer's Office**, the **St. Louis County Department of Justice Services**, and the

ASSUMPTION (continued)

Springfield Police Department have each 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 agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's departments, EMS, and fire protection districts 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.

Oversight assumes a General Revenue transfer to the new fund for DHSS' expenses.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Transfer Out</u> - to the Epinephrine Auto-Injector Devices for Fire Personnel Fund	(\$126,000)	(\$129,150)	(\$132,379)
<u>Cost</u> - SPD (§321.621) Salaries, fringe benefits, and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$226,000)</u>	<u>(Less than \$229,150)</u>	<u>(Less than \$232,379)</u>
EPINEPHRINE AUTO-INJECTOR DEVICES FOR FIRE PERSONNEL FUND			
<u>Transfer In</u> - appropriation from General Revenue	\$126,000	\$129,150	\$132,379
<u>Cost</u> - DHSS (§321.621) Epinephrine auto injector devices (200 packages (400 injectors) x \$600 per package)	(\$120,000)	(\$123,000)	(\$126,075)
<u>Cost</u> - DHSS (§321.621) Shipping	<u>(\$6,000)</u>	<u>(\$6,150)</u>	<u>(\$6,304)</u>
ESTIMATED NET EFFECT ON THE EPINEPHRINE AUTO-INJECTOR DEVICES FOR FIRE PERSONNEL FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Current law requires certain emergency health care entities and other organizations to maintain epinephrine auto-injector devices (epi-pens) according to the rules and regulations of the Department of Health and Senior Services.

Under this act, the Department of Health and Senior Services shall provide epi-pens for adult patients to fire protection districts in nonmetropolitan areas of Missouri.

Possession and use of epi-pens under this act is limited to only such qualified first responders who have completed a training course and maintain the epi-pens pursuant to Department rules. Additionally, every use of an epi-pen shall be reported to a emergency health care provider.

Under this act, the use of an epi-pen is considered first aid or emergency treatment for purposes of liability under the law and shall not constitute the unlawful practice of medicine. Any person that violates the provisions of this act shall be guilty of a Class B misdemeanor.

This act established the "Epinephrine Auto-injector Devices for Fire Personnel Fund". The Fund shall be used solely by the Department for the purpose of providing epi-pens to qualified first responder agencies pursuant to this act.

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

SOURCES OF INFORMATION

Department of Health and Senior Services
Department of Natural Resources
Department of Public Safety
Department of Social Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
State Public Defender's Office
State Treasurer's Office
St. Louis County Department of Justice Services
Springfield Police Department



Julie Morff
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February 24, 2020



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February 24, 2020