

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3762-06
Bill No.: HCS for SCS for SB 617
Subject: Political Subdivisions; Emergencies; Counties; Boards, Commissions, Committees, and Councils; Utilities; Cities, Towns, and Villages
Type: Original
Date: May 7, 2020

Bill Summary: This proposal changes the law regarding political subdivisions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Up to \$626,000)	(Could exceed \$2,723,123)	(Could exceed \$2,726,352)
Total Estimated Net Effect on General Revenue	(Up to \$626,000)	(Could exceed \$2,723,123)	(Could exceed \$2,726,352)

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 16 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	Up to \$400,000	Could exceed \$2,493,973	Could exceed \$2,493,973

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.

§29.230 - Performance Audits in Third Class Counties

Officials from the **Office of the State Auditor (SAO)** state because they are unable to predict how many counties will fall into the parameters set by this legislation, they cannot accurately estimate fiscal costs or savings for this proposal.

The SAO further states they do not charge third class counties for performance audits and do not hire third-party auditors to conduct such audits. The SAO stated, there were 10 third class county audit reports released in 2019.

Oversight notes §29.005, RSMo, defines “Performance Audits” as “audits that provide findings or conclusions based on an evaluation of sufficient, appropriate evidence against identified criteria. Performance audit objectives shall include, but not be limited to, the following:

- (a) Effectiveness and results. This objective may measure the extent to which an entity, organization, activity, program, or function is achieving its goals and objectives;
- (b) Economy and efficiency. This objective shall assess the costs and resources used to achieve results of an entity, organization, activity, program, or function;
- (c) Internal control. This objective shall assess one or more components of an entity's internal control system, which is designed to provide reasonable assurance of achieving effective and efficient operations, reliable financial and performance reporting, or compliance with applicable legal requirements; and
- (d) Compliance. This objective shall assess compliance with criteria established by provisions of laws, regulations, contracts, and grant agreements or by other requirements that could affect the acquisition, protection, use, and disposition of an entity's resources and the quantity, quality, timeliness, and cost of services the entity produces and delivers”.

ASSUMPTION (continued)

Oversight assumes the proposal would simply specify when the State Auditor shall not conduct a performance audit of a county of the third classification (if the county commission passes a resolution to not be subject to such an audit and the county has undergone an audit examination by a licensed CPA at least once in the preceding two years).

Subsection 29.230.3 states “the political subdivision shall pay the actual cost of audit”; however, the SAO states they do not charge 3rd class counties for these audits. Therefore, Oversight will assume these changes will not result in a savings to county governments. Oversight will also assume the State Auditor’s Office would not realize a savings if not required to conduct certain performance audits, but would simply allocate their resources to other pending audits. Counties may opt to have the audit conducted by a CPA firm (and pay for these services), but that would be at their discretion.

§44.080 - Local Emergency Management

This section states that no state of emergency declared by a county executive shall be imposed or continue for more than fifteen days without a 60 percent majority vote of the county governing body approving and setting the number of days beyond the 15 days.

Oversight assumes this change will have no fiscal impact on state or local governments.

This section of the proposal has an emergency clause.

§67.309 - Prohibits the (re)connection of a utility service based on the type or source of energy

In response to a similar proposal (SB 1048), officials at the **Glasgow Village Street Lighting District** assumed no fiscal impact from this proposal.

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

§163.011- Local Effort Computation

Officials from **Department of Elementary and Secondary Education (DESE)** assume this proposal would increase the formula call by \$2,093,973, starting in FY 2021, when looking at FY 2020 foundation formula call and have a slight increase each year thereafter.

Upon further inquiry, **DESE** stated the estimate is the difference between FY18 and FY05 fines and then the difference between the foundation formula call with the increase in fine revenue and the foundation formula call without the increase in fine revenue.

ASSUMPTION (continued)

Oversight assumes the fine revenue collected varies from year to year; therefore, Oversight will show a range of impact of \$0 (no difference between current year fine revenue and FY 05 fine revenue) to a cost to General Revenue due to an increased call to the foundation formula as estimated by DESE.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, school 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 will reflect DESE's estimated impact, but will assume the impact will not occur until FY 2022.

§163.024 - Local Effort Calculation

Officials from the **Department of Elementary and Secondary Education (DESE)** assume this proposal would have no fiscal impact on their organization.

Upon further inquiry, **DESE** stated the fines paid into the Iron County school fund are from Doe Run mine and if those fines had to be included in the districts local effort calculation it would result in a lower foundation formula to those districts.

That being said, the last time these same fines where paid, this exact same law was in place to prevent the large fine amount from devastating the amount of foundation formula the district would receive. So the reply was in reference to the fact that last time these same fines where paid they were not included as part of the local effort deduction.

But there would officially be a lower formula call if this law were not in place, but at this time we do not have enough information in order to estimate that.

Oversight notes the following school districts appear to be located in Iron County:

- South Iron County R-I School Districts (Hold Harmless)
- Arcadia Valley R-II
- Belleview R-III
- Iron County C-4 School District (Hold Harmless)

Per the Administrative Order on Consent No. APCP-2019-001 the penalty to be paid by the respondents is \$1,200,000 in three annual payments \$400,000.

ASSUMPTION (continued)

Based on information provided by DESE, **Oversight** notes some of the school districts located in Iron County are considered hold harmless and the state aid payment would not change regardless of the whether the fine revenue is included in the calculation of local effort for districts considered hold harmless.

However, two of the districts are not considered hold harmless and any fine revenue not included in the calculation of local effort as a result of this proposal would result in a dollar for dollar increase in the state aid calculation. Therefore, **Oversight** will show a range of impact from \$0 (districts impacted are considered hold harmless) to a potential increased call to the foundation formula of up to \$400,000 due to additional fine revenue not being included in the calculation of local effort for districts that are not hold harmless.

Oversight received limited number of responses from school districts related to the fiscal impact of this proposal. Oversight has presented this fiscal note on the best current information available. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek necessary approval to publish a new fiscal note.

§192.300 - Health Rules for Counties

This section includes a provision which states that a county health board, or director or hired personnel thereof, shall only act in an advisory capacity to a county commission or other county executive.

Oversight assumes this change will have no fiscal impact on state or local governments.

§§217.850, 577.800, and 632.460 - Use of Unmanned Aircraft

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

ASSUMPTION (continued)

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.

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 - Fire Safety** has 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 this agency.

ASSUMPTION (continued)

Officials from the **Department of Mental Health** and the **Metropolitan St. Louis Sewer District** state the proposal would not have a direct fiscal impact on their respective organizations.

In response to a similar proposal (HCS HB 1898), **Oversight** notes the **Department of Commerce and Insurance**, the **Office of State Courts Administrator**, 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.

§§321.015, 321.190 & 321.603 - Boards of Directors of Fire Protection Districts

Officials at the **Department of Public Safety's Division of Fire Safety** assume no fiscal impact from this proposal.

In response to a similar proposal (SS #2 SCS HCS HB 1854), officials at the **City of Springfield** and the **St. Louis County Police Department** each assumed no fiscal impact to their respective entities from this proposal.

In response to a previous version, officials at the **City of Brentwood** assumed no fiscal impact from this proposal.

Oversight notes §§321.190 and 321.603 state that each member of the board may receive an attendance fee upon affirmative board approval and in an amount set by the board for attending each regularly called board meeting or special meeting. Oversight assumes the proposal is permissive and action would only be taken by the fire protection district if they have budgeted funds for this purpose. Therefore, Oversight will reflect a \$0 fiscal note assuming any additional costs involved would be absorbed by the fire protection district.

§321.300 - Fire Protection Districts

Oversight assumes this provision is permissive and will not have a direct fiscal impact..

ASSUMPTION (continued)

§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 ($40 \text{ hours} \div 2,080 \text{ hours per year} = 0.02$) 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 ($100 \text{ hours} \div 2,080 \text{ hours per year} = 0.05$) 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 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.

ASSUMPTION (continued)

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

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).

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)

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.

In response to a previous version, **Oversight** notes the **St. Louis County Department of Justice 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 on the fiscal note for this agency.

Bill as a Whole

Oversight notes the **Department of Commerce and Insurance**, the **Department of Natural Resources**, the **Department of Public Safety - (Capitol Police and Missouri State Highway Patrol)**, the **Department of Conservation**, the **Department of Social Services**, the

ASSUMPTION (continued)

Department of Transportation, the State Treasurer’s Office, the Office of State Courts Administrator, the City of Columbia, the City of Kansas City, the City of O’Fallon, 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. 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 cities, counties, utilities, EMS, police and sheriff’s departments, fire protection districts, public schools and the St. Louis Regional Convention and Sports Center 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
GENERAL REVENUE FUND			
<u>Transfer Out</u> - to the Epinephrine Auto-Injector Devices for Fire Personnel Fund p. 9 - 10	(\$126,000)	(\$129,150)	(\$132,379)
<u>Cost</u> - DESE (§163.011) Increased call to the foundation formula p. 4 - 5	\$0	\$0 to (Could exceed \$2,093,973)	\$0 to (Could exceed \$2,093,973)
<u>Cost</u> - (§163.024) increased call to the foundation formula if the increase in specific fine revenue is not include in the calculation of local effort p. 5 - 6	\$0 or (Up to \$400,000)	\$0 or (Up to \$400,000)	\$0 or (Up to \$400,000)
<u>Cost</u> - SPD Salaries, fringe benefits, and equipment and expense p. 6 - 7, 11	<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>(Up to \$626,000)</u>	<u>(Could exceed \$2,723,123)</u>	<u>(Could exceed \$2,726,352)</u>
EPINEPHRINE AUTO-INJECTOR DEVICES FOR FIRE PERSONNEL			
<u>Transfer In</u> - appropriation from General Revenue p. 9 - 10	\$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
SCHOOL DISTRICTS			
<u>Revenue</u> - increase in state aid (§163.011)	\$0	\$0 to Could exceed \$2,093,973	\$0 to Could exceed \$2,093,973
<u>Revenue</u> - (§163.024) Increase in state aid payments to impacted school districts	<u>\$0 or Up to \$400,000</u>	<u>\$0 or Up to \$400,000</u>	<u>\$0 or Up to \$400,000</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	<u>Up to \$400,000</u>	<u>Could exceed \$2,493,973</u>	<u>Could exceed \$2,493,973</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

LOCAL EFFORT COMPUTATION (Section 163.011)

This bill modifies the definition of "local effort" with regards to school funding, by removing fines from the calculation, in every fiscal year beginning on or after July 1, 2021.

LOCAL EFFORT CALCULATION (Section 163.024)

This bill prevents money received into the Iron County School Fund from the payment of penalty under the specified administrative order issued by the Department of Natural Resources to be included in the Iron County School calculation for local effort.

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.

FISCAL DESCRIPTION (continued)

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.

DISTRIBUTION OF EPINEPHRINE AUTO-INJECTOR DEVICES (Section 321.621)

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.

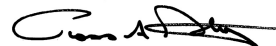
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Conservation
Department of Commerce and Insurance
Department of Corrections
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Social Services
Department of Transportation
Missouri Office of Prosecution Services
Office of Secretary of State
Office of State Courts Administrator
State Public Defender's Office
State Auditor's Office
State Treasurer's Office
St. Louis County Police Department
St. Louis County Department of Justice Services
Springfield Police Department
City of Kansas City
City of Columbia
City of O'Fallon
City of Springfield
City of Brentwood
Metropolitan St. Louis Sewer District
Glasgow Village Street Lighting District



Julie Morff
Director
May 7, 2020



Ross Strobe
Assistant Director
May 7, 2020