

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3803-01
Bill No.: SB 610
Subject: Drugs and Controlled Substances; Employees-Employers
Type: Original
Date: February 18, 2020

Bill Summary: This proposal enacts new provisions allowing employer policies relating to employee drug use.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 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

§285.050 - Employers may refuse to accommodate employee use of marijuana in the workplace

Officials from **St. Louis County** state an estimate of the fiscal impact cannot be made at this time. It is unknown whether the County would chose to institute a random drug screening program and how the program would be designed. However, there would be a cost.

Officials from the **University of Central Missouri (UCM)** estimates no fiscal impact unless UCM implements random drug testing. Based on UCM's employee population, the University would conduct approximately 140 tests per quarter at \$75 per test for a total of \$42,000 in costs per year.

Oversight does not have any information to the contrary. Oversight assumes, with this proposal, UCM is allowed (permissive) to implement random drug testing and will reflect no fiscal impact for UCM for fiscal note purposes.

Oversight notes the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, **Divisions of: Alcohol and Tobacco Control, Capitol Police, Director's Office, Fire Safety, Missouri Gaming Commission, Missouri State Highway Patrol, Missouri National Guard, State Emergency Management Agency, and the Missouri Veterans' Commission**, the **Department of Social Services**, the **Governor's Office**, the **Joint Committee on Administrative Rules**, the **Missouri Lottery Commission**, **Legislative Research**, the **Missouri Consolidated Health Care Plan**, the **Missouri Department of Agriculture**, the **Missouri Department of Conservation**, the **Missouri Ethics Commission**, the **Missouri Department of Transportation**, the **Missouri Department of Transportation and Patrol Employees' Retirement System**, the **Missouri House of Representatives**, the **Office of Prosecution Services**, the **Missouri State Employees' Retirement System**, the **Joint Committee on Public Employee Retirement**, the **Office of Administration Divisions of: Administrative Hearing Commission and Budget and Planning**, the **Office of State Courts Administrator**, the **Office of State Auditor**, the **Missouri Senate**, the **Office of Secretary of State**, the **Office of State Public Defender**, the **State Treasurer's Office**, the **State Tax Commission**, the **City of Brentwood**, the **City of Kansas City**, the **City of O'Fallon**, the **City of Springfield**, **Boone County**, the **Springfield Police Department**, the **St. Louis County Police Department**,

ASSUMPTION (continued)

the **St. Louis County Department of Justice Services**, the **Sherwood Cass R-VIII School District**, the **Columbia/Boone County Public Health and Human Services**, the **Cooper County Public Health Center**, **State Technical College**, the **University of Missouri**, the **Kansas City Public Schools Retirement System**, the **Missouri Local Government Employees' Retirement System**, and the **Sheriffs' Retirement System** have 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.

Oversight assumes this proposal is permissive in nature and would allow employers (including public governmental bodies) to institute a random drug-testing policy. Oversight assumes random drug testing is already allowed by law. Therefore, Oversight will not reflect a cost to the state or to local political subdivisions.

Officials from the **Missouri Lieutenant Governor's Office** did not respond to Oversight's request for a statement of fiscal impact.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, counties, sheriffs' and police departments, hospitals, nursing homes, schools, local public health agencies, fire departments, ambulance districts, colleges and universities and retirement groups 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
	<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

This proposal may impact small businesses that choose to perform drug tests on their employees or new hires.

FISCAL DESCRIPTION

This act provides that an employer may refuse to accommodate the use of marijuana on its premises for any use described in Article XIV of the Missouri Constitution. The act further provides that an employer may institute a random drug-testing policy. Receipt of a positive drug test for marijuana may be considered grounds for dismissal in the case of an employee or, in the case of a prospective employee, refusal of employment (§285.050).

The proposed legislation appears to have no direct fiscal impact.

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

SOURCES OF INFORMATION

Attorney General's Office
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety -
 Alcohol and Tobacco Control
 Capitol Police
 Director's Office
 Fire Safety
 Missouri Gaming Commission
 Missouri Highway Patrol
 Missouri National Guard
 State Emergency Management Agency
 Missouri Veterans Commission

SOURCES OF INFORMATION (continued)

Department of Social Services
Governor's Office
Joint Committee on Administrative Rules
Missouri Lottery Commission
Legislative Research
Missouri Consolidated Health Care Plan
Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri House of Representatives
Missouri Department of Transportation
Office of Prosecution Services
Office of Administration -
 Administrative Hearing Commission
 Budget and Planning
Office of State Courts Administrator
State Auditor's Office
Missouri Senate
Office of Secretary of State
State Public Defender's Office
Missouri State Treasurer's Office
State Tax Commission
Joint Committee on Public Employee Retirement
Missouri State Employees Retirement System
MoDOT & Patrol Employees' Retirement System
City of Brentwood
City of Kansas City
City of O'Fallon
City of Springfield
Boone County
St. Louis County
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services

SOURCES OF INFORMATION (continued)

Sherwood Cass R-VIII School District
Columbia/Boone County Public Health and Human Services
Cooper County Public Health Center
State Technical College of Missouri
University of Central Missouri
University of Missouri

NOT RESPONDING

Missouri Lieutenant Governor's Office



Julie Morff
Director
February 18, 2020



Ross Strope
Assistant Director
February 18, 2020