

**STATE
FISCAL IMPACT**

Drafting Number: LLS 13-0299

Date: February 7, 2013

Prime Sponsor(s): Sen. Aguilar

Bill Status: Senate Health and Human Services

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TITLE: CONCERNING THE USE OF OPIATE ANTAGONISTS TO TREAT PERSONS WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue	See State Revenue section.	
State Expenditures		
Cash Funds		
Division of Professions and Occupations Cash Fund	\$11,063	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

The bill provides immunity from criminal prosecution and, in most cases, civil damages for a person who acts in good faith to administer an opiate antagonist to another person who is believed to be suffering an opiate-related overdose. Civil damages may be sought in instances where acts or omissions are believed to be grossly negligent or willful or wanton. The bill prohibits disciplinary action by licensing authorities for health professionals related to good faith administration of an opiate antagonist. An opioid antagonist blocks the effects of opioids such as morphine and heroin.

State Revenue

The bill is not expected to significantly impact state revenue. While the bill could implicate rulemaking for up to 7 professional boards overseen by the Department of Regulatory Agencies (DORA), the fiscal note assumes minimal expenditures associated with the rulemaking and, therefore, that license fees will not necessarily be increased to offset those costs.

The state receives revenue of varying amounts from criminal and civil court proceedings and from disciplinary actions by various professional boards. The immunity provided by the bill will result in a reduction of such revenue to the extent that persons who would otherwise be charged under criminal or civil law, or who would otherwise receive a sanction from a professional oversight board, claim immunity pursuant to the bill. Such charges are infrequently levied; therefore, the reduction of revenue resulting from the bill is expected to be minimal.

State Expenditures

Expenditures in DORA will increase by about \$11,063 under the bill for one-time costs in FY 2013-14, of which \$3,863 is for reappropriation to the Department of Law. The bill's broad reference to health care practitioners implicates rulemaking for 7 professional boards. The fiscal note assumes that stakeholder meetings will be conducted for all 7 boards at a cost of \$2,100 (2 members *\$150 per diem and expense reimbursement * 7 boards). The fiscal note assumes that the medical, nursing, and pharmacy boards will hold special rulemaking hearings and that 4 boards will add any rulemaking associated with this bill to their regular agendas. Costs for the 3 special board meetings are estimated at \$5,100 (34 members * \$150 per diem and expense reimbursement). The Department of Law will advise DORA and the 7 boards throughout the regulatory process, requiring that \$3,863 (50 hours * \$77.25/hour) be reappropriated to the Department of Law.

The courts' workload will increase to the extent that the immunity determination is raised in court rather than during law enforcement's investigation of an incident, thereby lengthening the amount of time to adjudicate a case. The fiscal note assumes that the issue will arise infrequently, or will be offset by a finding of immunity and dismissal of further legal proceedings, and that any increase in workload will be absorbed within existing appropriations.

State Appropriations

For FY 2013-14, the Department of Regulatory Agencies requires an appropriation of \$11,063 from the Division of Professions and Occupations Cash Fund, of which \$3,863 is for reappropriation to the Department of Law.

Departments Contacted

Correction	Human Services	Judicial
Law	Local Affairs	Public Health and Environment
Regulatory Agencies	District Attorneys	Counties
Municipalities		