

**FINAL
FISCAL NOTE**

Drafting Number: LLS 13-0299
Prime Sponsor(s): Sen. Aguilar
 Rep. Pettersen

Date: July 1, 2013
Bill Status: Signed into Law
Fiscal Analyst: Kirk Mlinek (303-866-2756)

TITLE: CONCERNING THE USE OF OPIATE ANTAGONISTS TO TREAT PERSONS WHO SUFFER OPIATE-RELATED DRUG OVERDOSE EVENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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	\$8,318	
FTE Position Change		
Effective Date: The bill was signed into law by the Governor and took effect on May 10, 2013.		
Appropriation Summary for FY 2013-2014: See State Appropriations section.		
Local Government Impact: None.		

Summary of Legislation

The bill provides immunity from criminal and civil liability for a person other than a health care provider or a health care facility who acts in good faith to administer an opiate antagonist to another person who is believed to be suffering an opiate-related overdose. The bill also provides immunity from criminal and civil liability, and charges of unprofessional conduct, for licensed prescribers and dispensers of opiate antagonists, by licensing authorities for certain health professions based on good faith administration of an opiate antagonist. An opioid antagonist blocks the effects of prescription and illicit opioids.

State Revenue

The bill is not expected to significantly impact state revenue. While the bill implicates rulemaking for 3 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 \$8,318 under the bill for one-time costs in FY 2013-14, of which \$2,318 is for reappropriation to the Department of Law. Three professional boards will convene stakeholder and special board meetings to promulgate and adopt rules required to implement the bill. Stakeholder meetings will be conducted for Medical, Nursing, and Pharmacy boards at a cost of \$900 (2 members *\$150 per diem and expense reimbursement * 3 boards). The fiscal note assumes that the each of the boards will hold special rulemaking hearings at a cost of \$5,100 (34 members * \$150 per diem and expense reimbursement). The Department of Law will advise DORA and the 3 boards throughout the regulatory process, requiring that \$2,318 (30 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 \$8,318 from the Division of Professions and Occupations Cash Fund, of which \$2,318 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		