

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2854-01
Bill No.: HB 1947
Subject: Licenses - Misc.; Health, Public; Science and Technology
Type: Original
Date: March 11, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(\$235,764)	(\$256,163)	(\$262,789)
Total Estimated Net Effect on All State Funds	(\$235,764)	(\$256,163)	(\$262,789)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on All Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** state this bill establishes a program to administer the registration of biological agents in the state. Based on experience with other divisions, the rules, regulations and forms issued by the Department could require as many as 25 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$1,549 [(25 pp x \$27) + (38 pp x \$23)].

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Health and Senior Services (DOH)** stated the program requires registry of all persons possessing or maintaining select biological agents. This would require laboratories to meet Clinical Laboratory Improvement Amendments of 1988 (CLIA) certification or comply with a registration process as outlined in 42 CFR Part 72 which would require on-site inspection by DOH personnel (**Public Health Lab Scientists**).

The program also requires creation and maintenance of a database registry of all persons possessing or maintaining the select biological agents. This has been estimated from the department's Division of Health Standards and Licensure to be about 5,000 laboratory facilities in Missouri. A **Health Program Rep III** would be required to administer this program, including responsibility for staffing, budgeting, compliance with the law and writing and implementing the rule.

An **Information Support Coordinator** would be responsible for all electronic information systems, including hardware, development, maintenance, and security of the registry. This would also include the development and distribution of reports to communicable disease coordinators and law enforcement personnel statewide and to federal agencies.

An **Office Support Assistant, Keyboard** would provide administrative support to the program including processing laboratory registration forms, entering data, performing general office duties and answering questions about the program from participating persons.

ASSUMPTION (continued)

The DOH estimates the cost of the proposed legislation to be \$263,726 in FY 03, \$289,703 in FY

04, and \$297,237 in FY 05.

Officials from the **Department of Public Safety - State Emergency Management Association** and **Department of Natural Resources** assume the proposed legislation will not fiscally impact their organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Costs - Department of Health and Senior Services</u>			
Personal Service Costs (5 FTE)	(\$126,588)	(\$155,702)	(\$159,595)
Fringe Benefits	(\$45,584)	(\$56,068)	(\$57,470)
Equipment and Expense	(\$63,592)	(\$44,393)	(\$45,724)
Total <u>Costs</u> - Department of Health and Senior Services	(\$235,764)	(\$256,163)	(\$262,789)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$235,764)</u>	<u>(\$256,163)</u>	<u>(\$262,789)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

The proposed legislation could negatively impact small businesses that possess biological agents as they would be required to establish a system of safeguards that comply with federal standards and may be subject to penalties for non-compliance. This could affect veterinarians and owners of private laboratories. Potential costs could include registration fees to laboratory certification agencies or administrative work to comply with the regulations.

DESCRIPTION

This bill requires the Department of Health and Senior Services to establish and administer a biological agents registry by January 1, 2003. Persons who possess biological agents are required to submit specified information for inclusion in the registry. If a person who possesses biological agents discovers that a theft, loss, or release of a biological agent has occurred, the person is required to alert the department immediately or no later than four hours after the discovery.

Information prepared for and maintained in the registry is confidential and not a public record. The department is authorized to release information contained in the registry for the purposes of conducting or aiding in a communicable disease investigation. The department is required to cooperate and may release information to the Centers for Disease Control and Prevention and state and federal law enforcement agencies in the event that a theft, loss, or release of a biological agent has occurred. The bill prohibits the release of information contained in the registry from being classified as a public record. Persons who violate the provisions of the bill will be subject to a civil penalty of up to \$1,000. Continuing violations of the bill are classified as separate offenses.

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

Office of Secretary of State
Department of Health and Senior Services
Department of Public Safety - State Emergency Management Association
Department of Natural Resources



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Acting Director
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