

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0932-01
Bill No.: HB 339
Subject: Department of Corrections; Health Care; Public Health; Law Enforcement
Officers and Agencies
Type: Original
Date: February 23, 2009

Bill Summary: The proposal establishes the “Stop HIV/AIDS in Prison Act.”

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on General Revenue Fund	(Unknown)	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Health and Senior Services** and the **Department of Social Services** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Department of Corrections (DOC)** state the proposal requires a comprehensive policy to provide HIV testing, treatment, and prevention services to inmates.

Current law requires HIV testing without right of refusal for all individuals delivered to DOC and all individuals released from DOC prior to said release. The only exception to this is not testing an incoming offender when a similar HIV test has been done subsequent to trial and DOC can obtain the results.

Presently, pursuant to §190.659.1 and DOC policy, all inmates are tested no sooner than 120 days prior to release and, if the offender is released prior to the receipt of test results, medical staff make a referral to the Bureau of HIV/STD Prevention. The proposed legislation is less strict with regard to the testing required before release as it requires inmates by HIV tested no more than three months prior to release, but waives the requirement if release occurs without sufficient notice pursuant to 217.628 (8)(a).

The bill requires certain activities of medical personnel and pharmacy personnel, whose services are currently provided by contract employees.

In summary, the fiscal impact due to requirements in this proposal is unknown.

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this proposal for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

FISCAL IMPACT - State Government

FY 2010
(10 Mo.)

FY 2011

FY 2012

GENERAL REVENUE FUND

Costs – Department of Corrections
 HIV testing procedures

(Unknown) (Unknown) (Unknown)

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

(Unknown) (Unknown) (Unknown)

FISCAL IMPACT - Local Government

FY 2010
 (10 Mo.)

FY 2011

FY 2012

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation establishes the Stop HIV/AIDS in Prison Act of 2009, which requires the Department of Corrections to develop a comprehensive policy to provide HIV testing, treatment, and prevention for inmates in the state correctional setting and upon reentering the community; consult with appropriate officials within the Department of Health and Senior Services to develop the policy; and submit an annual report, beginning February 1, 2011, to the Governor and General Assembly on department policies and procedures to provide testing, treatment, and prevention education programs for HIV/AIDS and the incidence of HIV/AIDS among inmates.

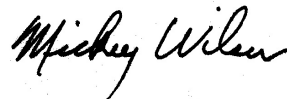
FISCAL DESCRIPTION (continued)

The comprehensive HIV/AIDS policy must include testing and counseling for inmates upon admission to a corrections facility (for inmates admitted prior to the effective date of the policy, medical personnel are required to provide HIV testing within six months); pretest and post-test counseling; HIV/AIDS prevention education; HIV testing upon request; HIV testing of pregnant women; comprehensive treatment for inmates who test positive for HIV; confidentiality provisions regarding inmate tests, diagnoses, and treatment; testing, counseling, and referral to appropriate health care providers before reentering the community; an opt-out provision for an inmate to refuse routine HIV testing; exposure incident testing; and timely notification of test results.

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 Corrections
Department of Health and Senior Services
Department of Social Services
Office of the Secretary of State



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Director
February 23, 2009