

February 15, 2023

The Honorable Brenda Landwehr, Chairperson
House Committee on Health and Human Services
300 SW 10th Avenue, Room 112-N
Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2390 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2390 is respectfully submitted to your committee.

HB 2390 would create the Kansas Overdose Fatality Review Board Act and would establish the Kansas Overdose Fatality Review Board prior to January 1, 2025. The Board would be overseen by the Secretary of Health and Environment and include members from various agencies and professions associated with health and safety with the purpose of making recommendations to prevent and mitigate the consequences of drug overdose. The bill would define several terms for use within the Act, include requirements and duties for the Board and the Secretary, and specify the confidentiality of and access to data and other information obtained and used under the Act. The bill would also amend current statutes to specify that any materials used or intended for use to test a substance for the presence of fentanyl, a fentanyl analog, ketamine or gamma hydroxybutyric acid would not be considered drug paraphernalia.

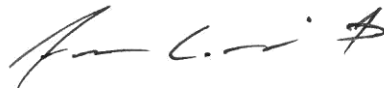
The Kansas Department of Health and Environment estimates the bill would require up to 3.50 new FTE positions and increase expenditures by \$300,000, all from the State General Fund, in FY 2024. This estimate is based on the agency's experience with the Kansas Maternal Mortality Review Committee that has a similar structure and function. The necessary positions would include a coordinator to convene stakeholders, community organizations, pertinent state agencies to develop a comprehensive and systemic response to overdose fatalities, as well as administrative tasks; part-time epidemiologist and vital statistics staff to perform duties as required within the bill; and up to two abstractor/and record custodians to collect, analyze, abstract and report data from various sources. There would also be costs related to data sharing agreements, data requests, mileage and per diem reimbursements, and fees associated with accessing decedent records. The

agency notes there would be system-wide healthcare and public-safety cost savings related to prevention of chronic disease and harm reduction, although the total costs are unable to be estimated. The agency would monitor and apply for pertinent federal funding opportunities to reduce the State General Fund costs.

The Kansas Board of Pharmacy reports that enactment of HB 2390 would result in costs associated with appointing a member to the review board, providing K-TRACS data to the review board, and any other stakeholder response, which are anticipated to be handled within existing resources. The Behavioral Sciences Regulatory Board notes that while there are no costs for the agency associated with the bill, there would be costs associated with compensation and reimbursements of Board members in FY 2024, and beyond, for the state. The Office of Judicial Administration reports enactment of the bill would have a negligible fiscal effect on expenditures and revenue for the Judicial Branch.

According to the Kansas Department of Corrections, Kansas Bureau of Investigation, Kansas Department for Aging and Disability Services, the Kansas Board of Emergency Medical Services, Kansas State Board of Healing Arts, and Kansas Department for Children and Families, enactment of HB 2390 would not result in a fiscal effect on the operations of any of the respective agencies. Any fiscal effect associated with HB 2390 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Amy Penrod, Department of Health & Environment
Alexandra Blasi, Board of Pharmacy
Susan Gile, Board of Healing Arts
Paul Weisgerber, Kansas Bureau of Investigation
Leigh Keck, Department for Aging & Disability Services
Kim Holter, Department for Children & Families
Randy Bowman, Department of Corrections
Joe House, Emergency Medical Services
David Fye, Behavioral Sciences Regulatory Board
Vicki Jacobsen, Judiciary