

PREPARED BY: Doug Nichols
 DATE PREPARED: March 30, 2017
 PHONE: 402-471-0052

LB 487

Revision: 01

FISCAL NOTE

LEGISLATIVE FISCAL ANALYST ESTIMATE

Updated for amendments adopted through March 30, 2017.

ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates)				
	FY 2017-18		FY 2018-19	
	EXPENDITURES	REVENUE	EXPENDITURES	REVENUE
GENERAL FUNDS				
CASH FUNDS				
FEDERAL FUNDS				
OTHER FUNDS				
TOTAL FUNDS				

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill, as amended, would provide reporting immunity to multiple individuals engaging in good faith reporting of an overdose. It also amends the following bills into LB487:

- LB 167- Include cannabidiol as a Schedule V controlled substance.
- LB 293- Include U-47700 as a Schedule I controlled substance under the Uniform Controlled Substances Act.
- LB 296 as amended by AM 276- Change immunity provisions with respect to asthma and allergic reactions.

The Department of Correctional Services (NDCS) states that this bill has the potential to reduce admissions for drug possession in overdose situations. NDCS has no information on how often individuals are currently charged with felony drug possession in overdose cases and as a result the fiscal impact of this bill is indeterminable at this time.

The Department of Education and DAS Risk Management both estimate no fiscal impact from this bill.

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 487	AM: 568	AGENCY/POLT. SUB: Nebraska Department of Correctional Services (46)	
REVIEWED BY: Joe Wilcox		DATE: 3/15/2017	PHONE: (402) 471-4178
COMMENTS: No Basis to dispute the Nebraska Department of Correctional Services estimate of Indeterminate but unchanged Fiscal Impact to the Agency from the Judiciary Committee Amendment - AM 568, to LB 487.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 487	AM: 568	AGENCY/POLT. SUB: Nebraska Department of Education (13)	
REVIEWED BY: Joe Wilcox		DATE: 3/14/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Education estimate of No Fiscal Impact to the Agency from AM 568 to LB 487.			

ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSES			
LB: 487	AM: 568	AGENCY/POLT. SUB: Nebraska Department of Administrative Services – Risk Management Division (65)	
REVIEWED BY: Joe Wilcox		DATE: 3/21/2017	PHONE: (402) 471-4178
COMMENTS: No basis to dispute the Nebraska Department of Administrative Services Risk Management Division estimate of No Fiscal Impact to the Agency from the Judiciary Committee Amendment – AM 568, to LB 487.			

Please complete ALL (5) blanks in the first three lines.

2017

LB⁽¹⁾ 487 AM568

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Correctional Services

Prepared by: ⁽³⁾ Sara Sump Date Prepared: ⁽⁴⁾ 1/11/17 Phone: ⁽⁵⁾ 402.479.5702

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	<u>0</u>	_____	<u>0</u>
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	<u>_____</u>	<u>0</u>	<u>_____</u>	<u>0</u>

Explanation of Estimate:

LB 487 creates an exception to the criminal offenses of felony drug possession, 28-416(3), and possession of drug paraphernalia, 28-441, in situations where an individual makes a good faith request for emergency medical attention in response to his or her own drug overdose or another person's drug overdose, is the first person to request such assistance and the evidence for the violation was obtained as a result of the overdose and the request for assistance.

LB 487 has the potential to reduce admissions to NDCS for drug possession in overdose situations. The department has no information on how often individuals are currently charged with felony drug possession in overdose cases and as a result the fiscal impact of LB 487 is indeterminable at this time.

The judiciary committee amendment, AM 568 amends the bill to expand the immunity provisions to multiple individuals and adds the provisions of LB 167, LB 293 and LB 296. The committee amendment does not change the department's fiscal impact estimate for LB 487.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2017

LB⁽¹⁾ 487 AM568

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾

Dept. of Education

Prepared by: ⁽³⁾ Bryce Wilson

Date Prepared: ⁽⁴⁾ 3/14/17

Phone: ⁽⁵⁾ 402-471-4320

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
OTHER FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

There is no fiscal impact on NDE.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____

Please complete ALL (5) blanks in the first three lines.

2017

LB⁽¹⁾ 487 AM568

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Dept. of Administrative Services-Risk Management Division

Prepared by: ⁽³⁾ Shereece Dendy Date Prepared: ⁽⁴⁾ 3/16/2017 Phone: ⁽⁵⁾ 402-471-4436

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

	<u>FY 2017-18</u>		<u>FY 2018-19</u>	
	<u>EXPENDITURES</u>	<u>REVENUE</u>	<u>EXPENDITURES</u>	<u>REVENUE</u>
GENERAL FUNDS	_____	_____	_____	_____
CASH FUNDS	_____	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____	_____
REVOLVING FUNDS	_____	_____	_____	_____
TOTAL FUNDS	=====	=====	=====	=====

Explanation of Estimate:

LB487 AM568 allows for physicians and other health care professionals, including pharmacists, to issue non-patient-specific medications for life-threatening asthma or anaphylaxis to schools, educational units and/or early childhood programs. The bill also provides immunity for these physicians and health care professionals issuing such medications, unless it is done without reasonable care; as well as immunity from any act or omission of another who administers the medication. The bill further releases criminal liability for those who seek medical assistance after a drug overdose or seeks assistance for someone suffering from an overdose, as long as the person remains on the scene under medical assistance/law enforcement arrives and cooperates with such. The bill defines drug overdose and removes first responders/peace officers from civil liability for administering assistance to those experiencing a drug overdose, as long as the behavior was not willful, or grossly negligent.

The State of Nebraska indemnifies its employees for money damages and reasonable costs incurred as a result of an act or omission occurring in the course and scope of employment of such employee, except in the area of malfeasance in office or willful or wanton neglect of duty. This bill provides further protection for first responders, physicians, pharmacists, peace officers, and other health care professionals employed by the State of Nebraska, and thus will limit indemnification costs in this area.

There is no fiscal impact to Department of Administrative Services – Risk Management.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

<u>POSITION TITLE</u>	<u>NUMBER OF POSITIONS</u>		<u>2017-18</u>	<u>2018-19</u>
	<u>17-18</u>	<u>18-19</u>	<u>EXPENDITURES</u>	<u>EXPENDITURES</u>
Benefits.....	_____	_____	_____	_____
Operating.....	_____	_____	_____	_____
Travel.....	_____	_____	_____	_____
Capital outlay.....	_____	_____	_____	_____
Aid.....	_____	_____	_____	_____
Capital improvements.....	_____	_____	_____	_____
TOTAL.....	_____	_____	_____	_____