

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3189 by Bonnen, Dennis (Relating to the reporting of and access to information related to court-ordered prescription drug substance abuse treatment; providing a criminal penalty.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3189, As Engrossed: an impact of \$0 through the biennium ending August 31, 2019.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2018	\$0
2019	\$0
2020	\$0
2021	\$0
2022	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund	Probable Revenue Gain/(Loss) from General Revenue Fund
	1	1
2018	(\$275,000)	\$275,000
2019	(\$25,000)	\$25,000
2020	(\$25,000)	\$25,000
2021	(\$25,000)	\$25,000
2022	(\$25,000)	\$25,000

Fiscal Analysis

The bill would amend the Code of Criminal Procedure, Health and Safety Code and Government Code relating to the reporting of and access to information related to court-ordered prescription drug substance abuse treatment; providing a criminal penalty. The bill would require certain

judges to submit defendant information, as prescribed in the bill's provisions, to the Texas State Board of Pharmacy (TSBP) for inclusion in the Prescription Monitoring Program (PMP). The bill provides exemptions to the reporting and would require a defendant to consent to the release of information to TSBP.

The bill would take effect on September 1, 2017.

Methodology

Based on the analysis of TSBP, the agency would require additional information technology development to implement the provisions of the bill relating to accepting and storing data submitted by judges in the PMP. TSBP estimates a one-time upgrade and development cost to the PMP of \$275,000 in General Revenue in fiscal year 2018. TSBP estimates ongoing operation costs of the PMP to be \$25,000 in General Revenue each fiscal year thereafter.

This analysis assumes that any increased cost to the TSBP, which is statutorily required to generate sufficient revenue to cover its costs of operation, would be offset by an increase in fee generated revenue by the agency and other regulatory agencies whose licensees are required to access the PMP, including the Texas State Board of Dental Examiners, Optometry Board, Board of Veterinary Medical Examiners, Texas Medical Board, Texas Board of Nursing and the Board of Podiatric Medical Examiners.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

The Office of Court Administration, Health and Human Services Commission, Department of State Health Services, Texas Commission on Law Enforcement, and Department of Criminal Justice anticipate any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

Technology

The costs identified above include estimated one-time information technology costs of \$275,000 for PMP upgrades and development costs and \$25,000 for ongoing PMP operation costs each year thereafter.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 515 Board of Pharmacy, 407 Commission on Law Enforcement, 529 Health and Human Services Commission, 537 State Health Services, Department of, 696 Department of Criminal Justice

LBB Staff: UP, EK, KJo, EH, RFL, JGA