

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 27, 2021

TO: Honorable Stephanie Klick, Chair, House Committee on Public Health

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3331 by Murr (Relating to solicitation of patients and other prohibited marketing practices and the establishment of the task force on patient solicitation; increasing criminal penalties.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Health and Safety Code to establish a task force to study and make recommendations on preventing conduct that violates Chapter 164 of the Health and Safety Code or Chapter 102 of the Occupations Code. The task force would be administratively attached to the Health and Human Services Commission (HHSC). The Attorney General and HHSC would be required to provide the task force with information requested by the task force to allow the task force to fulfill its duties. The task force would be required to submit a report to the legislature no later than December 1 of each even-numbered year.

The bill would also amend Chapter 164 of Health and Safety Code to amend the definition for advertising and would restrict certain practices around treatment facilities. The bill would prohibit a person who is marketing mental services to make misleading statements or provide false or misleading information or to provide a link on the facility's Internet website that contains such statements or information. The civil penalty for a person who is in violation of this chapter would be subject to a civil penalty of not less than \$2,000.

The offense created by the bill would be a Class B misdemeanor. The criminal penalty for an offense in the bill would be enhanced from a Class A misdemeanor to a state jail felony.

It is assumed any cost to implement provisions of the bill would be minimal and could be absorbed within available resources. This analysis assumes implementing the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

A Class B misdemeanor is punishable by a fine of not more than \$2,000, confinement in jail for a term not to exceed 180 days, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 503 Texas Medical Board, 507 Texas Board of Nursing, 510 Behavioral Health Executive Council, 529 Hlth & Human Svcs Comm

LBB Staff: JMc, AKI, JLI