

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6520

BILL NUMBER: HB 1051

NOTE PREPARED: Jan 30, 2014

BILL AMENDED:

SUBJECT: Hepatitis C Testing and Study of Needle Exchanges.

FIRST AUTHOR: Rep. Errington

FIRST SPONSOR: Sen. Patricia Miller

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a carrier of Hepatitis C to warn a person at risk of the carrier's disease status and the need to seek health care counseling and testing.

The bill requires the Health Finance Commission to study during the 2014 legislative interim, the feasibility of establishing a needle exchange program and how to address criminal law statutes that could affect the effective operation of a needle exchange program.

Effective Date: July 1, 2014.

Explanation of State Expenditures: The bill assigns a topic of study to the Health Finance Commission. If the Commission were to hold additional meetings to address this topic, there would be additional expenditures for legislator per diem and travel reimbursement for the Commission members. Any additional expenditures must be within the Commission's budget, which is established by the Legislative Council. The Health Finance Commission had expenditures of \$25,539 for the 5 meetings held during the 2013 interim session.

Penalty Provision: The bill adds Hepatitis C to the list of diseases included as an offense against public health - a Level 6 felony for a violation of knowingly or intentionally violating or failing to comply with the duty to warn a person at risk of the carrier's disease status. A Level 6 felony is punishable by a prison term ranging from 6 to 30 months, depending upon mitigating and aggravating circumstances. The existing statute provides that each day a violation continues constitutes a separate offense. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,266 annually, or \$8.95 daily, per prisoner. However, any additional expenditures are

likely to be small.

Explanation of State Revenues: *Class B Misdemeanor Penalty Provision:* The bill adds Hepatitis C to the list of diseases included as an offense against public health - a Class B misdemeanor for a violation of recklessly violating or failing to comply with the duty to warn a person at risk of the carrier's disease status. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. The existing statute provides that each day a violation continues constitutes a separate offense. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Class B Misdemeanor Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail.

Explanation of Local Revenues: *Class B Misdemeanor Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Penalty provisions at IC 35-45-21-3, Offenses against Public Health.

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