

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0792	Date: March 10, 2015
Prime Sponsor(s): Rep. Ginal; Landgraf Sen. Merrifield	Bill Status: House Public Health Care and Human Services
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BILL TOPIC: EMERGENCY USE OF EPINEPHRINE AUTO-INJECTORS

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	<u>\$28,794</u>	<u>\$14,491</u>
General Fund	\$23,736	\$11,867
Centrally Appropriated Costs**	\$5,058	\$2,624
FTE Position Change	0.4 FTE	0.2 FTE
Appropriation Required: \$23,736 - Department of Public Health and Environment (FY 2015-16)		

* This summary shows changes from current law under the bill for each fiscal year.

** These costs are not included in the bill's appropriation. See the State Expenditures section for more information.

Summary of Legislation

The bill allows authorized entities other than schools to acquire and stock a supply of epinephrine auto-injectors via a valid prescription. Authorized entities under the bill include recreation camps, colleges and universities, day care facilities, youth sports leagues, amusement parks, restaurants, places of employment, and sports arenas at which allergens capable of causing anaphylaxis may be present. Health care practitioners and medical professionals may prescribe, and health care practitioners or pharmacists may dispense epinephrine auto-injectors to such authorized entities.

The bill requires the Department of Public Health and Environment (DPHE) to establish requirements concerning the storage of epinephrine auto-injectors; training programs and certificates for employees, agents, and individuals; and the annual reporting of usage rates from participating authorized entities. Epinephrine auto-injectors may be stored in emergency public access stations (EPAS) that are locked, secure, and under the general oversight of a medical professional. The DPHE must compile an annual report summarizing and analyzing all reports submitted by authorized entities.

The bill exempts the following entities or individuals acting in a good faith effort from criminal and civil liability:

- an authorized entity that possesses and makes available epinephrine auto-injectors and the employees, agents, and other individuals of that entity;
- an individual or entity that conducts an anaphylaxis training program;
- an individual who prescribes or dispenses an epinephrine auto-injector;
- an individual who administers or provides an epinephrine auto-injector;

- a medical professional who consults with a user of an epinephrine auto-injector stored and available to the user; and
- an individual who uses an emergency public access station (EPAS).

State Expenditures

The bill **increases expenditures in the DPHE by \$28,794 and 0.4 FTE in FY 2015-16 and \$14,491 and 0.2 FTE in FY 2016-17**. These costs are outlined in Table 1, and described below.

Table 1. Expenditures Under HB 15-1232		
Cost Components	FY 2015-16	FY 2016-17
Personal Services	\$23,736	\$11,867
FTE	0.4 FTE	0.2 FTE
Centrally Appropriated Costs*	\$5,058	\$2,624
TOTAL	\$28,794	\$14,491

* Centrally appropriated costs are not included in the bill's appropriation.

Staff support and program development. In FY 2015-16, the bill requires the DPHE to conduct rulemaking concerning storage requirements, training and certificate completion, and data collection and reporting. The DPHE will research best practices for epinephrine auto-injectors and develop appropriate forms, certificates, databases, and regulations concerning the use of epinephrine auto-injectors at authorized entities. In FY 2016-17 and future fiscal years, the DPHE will investigate any potential adverse outcomes from epinephrine auto-injectors and collect and analyze data collected from authorized entities. The DPHE will also be responsible for creating an annual report concerning epinephrine auto-injector usage and trends among authorized entities.

Department of Higher Education. To the extent that public colleges and universities decide to possess and make available epinephrine auto-injectors, costs may be incurred. Costs will be related to providing training to employees, individuals, and agents who are eligible to administer or oversee the usage of epinephrine auto-injectors in accordance with rules promulgated by the DPHE. Public colleges and universities may also incur costs related to the proper storage of epinephrine auto-injectors.

Other state agencies. To the extent that other state agencies that fit the definition of an authorized entity choose to supply and store epinephrine auto-injectors, additional costs may be incurred. Potential costs to state agencies include providing training to eligible employees, agents, and individuals to administer or oversee the usage of epinephrine auto-injectors. State agencies may also experience costs related to obtaining epinephrine auto-injectors and meeting the storage requirements as defined by the DPHE.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are estimated in the fiscal note for informational purposes and summarized in Table 2.

Table 2. Centrally Appropriated Costs Under HB 15-1232*		
Cost Components	FY 2015-16	FY 2016-17
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$3,218	\$1,608
Supplemental Employee Retirement Payments	\$1,840	\$1,016
TOTAL	\$5,058	\$2,624

*More information is available at: <http://colorado.gov/fiscalnotes>

Local Government Impact

Local governments acting as authorized entities as defined by the bill may have an increase in costs. Potential costs to local governments include providing training to eligible employees, agents, and individuals to administer or oversee the usage of epinephrine auto-injectors. Local governments may also experience costs related to obtaining epinephrine auto-injectors and meeting the storage requirements as defined by the DPHE.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

The bill requires a General Fund appropriation of \$23,736 and an allocation of 0.4 FTE to the Department of Public Health and Environment.

State and Local Government Contacts

Public Health and Environment
Health Care Policy and Financing
Higher Education
Corrections
Judicial

Law
Counties
Regulatory Agencies
Human Services
District Attorneys