



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
(803)734-0640 • RFA.SC.GOV/IMPACTS

Bill Number:	H. 5229	Introduced on February 13, 2020
Author:	Sandifer	
Subject:	Overdose Medical Treatment	
Requestor:	House Medical, Military, Public, and Municipal Affairs	
RFA Analyst(s):	Gardner and Payne	
Impact Date:	February 28, 2020	

Fiscal Impact Summary

The Judicial Department indicates that responsibilities required by this bill will be handled within their current resources and are not expected to have an expenditure impact on General Funds, Other Funds, or Federal Funds.

The Revenue and Fiscal Affairs Office anticipates the bill requires the Commission on Prosecution Coordination and Commission on Indigent Defense to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

The Department of Alcohol and Other Drug Abuse Services (DAODAS) estimates the implementation of this bill will increase General Fund expenditures by \$985,000 annually beginning in FY 2020-21. The department's estimate includes approximately \$190,000 for account and creative services, \$320,000 for electronic media, and \$475,000 for printed media. This amount may be offset if federal grant funding is obtained, but no applicable federal grants have been identified currently.

Explanation of Fiscal Impact

Introduced on February 13, 2020

State Expenditure

This bill requires a person to seek medical assistance for an individual who appears to be experiencing a drug- or alcohol-related overdose and prohibits a person from tampering with the body of a suspected overdose victim. The term 'tamper with' is defined as the commission of any malicious act to a dead or unconscious person except when moving the body in good faith to protect the victim from additional injury or death. A person who fails to seek medical assistance or tampers with the body of a suspected overdose victim is guilty of a felony punishable by a term of imprisonment for not more than ten years. The bill also eliminates the current prosecution exemptions for individuals who seek medical assistance of an individual experiencing an overdose if evidence for the prosecution was obtained as a result of the individual seeking assistance.

Further, the bill expands the circumstances under which an overdose victim can receive immunity when evidence for the prosecution was obtained as a result of the drug- or alcohol-related overdose and need for medical assistance. These circumstances include dispensation or

delivery of a controlled substance, methamphetamine, cocaine base, or drug paraphernalia to the overdose victim; the victim's possession of a controlled substance, of one gram of methamphetamine or cocaine base, or of drug paraphernalia; the victim's unlawful purchase, consumption, or possession of alcoholic beverages; the transfer of alcoholic beverages to a minor; and contributing to the delinquency of a minor. An overdose victim may still be arrested, charged, or prosecuted or may have his supervision status modified or revoked for a different offense, regardless of whether that offense arises under the same circumstances for which he has sought medical assistance.

Additionally, the bill requires the Department of Alcohol and Other Drug Abuse Services to develop a public information campaign to raise awareness of (1) the importance of immediately calling for 911 emergency medical assistance for persons who may be experiencing an opioid overdose and (2) the limited immunities afforded to a person seeking medical assistance for himself for a possible drug- or alcohol-related overdose. This act takes effect upon approval by the Governor.

Judicial Department. The bill creates a new felony offense triable in General Sessions Court by removing immunity from prosecution for those that seek medical assistance for an overdose victim. As this bill creates a new offense, there is no data available upon which to estimate the number of hearings or trials that may be initiated in General Sessions Court as a result of this legislation. The department anticipates that any impact from the increased caseload in general sessions would be absorbed by the Judicial Department. Therefore, this bill will have no expenditure impact to the General Fund, Other Funds, or Federal Funds.

Commission on Prosecution Coordination. As this bill creates a new offense, there is no data available upon which to estimate the number of hearings or trials that may be initiated in General Sessions Court as a result of this legislation. The Revenue and Fiscal Affairs Office anticipates the bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

Commission on Indigent Defense. As this bill creates a new offense, there is no data available upon which to estimate the number of hearings or trials that may be initiated in General Sessions Court as a result of this legislation. The Revenue and Fiscal Affairs Office anticipates the bill requires the agency to perform activities that will be conducted in the normal course of agency business. As a result, this bill does not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

Department of Alcohol and Other Drug Abuse Services. This bill directs DAODAS to develop a public information campaign highlighting the importance of immediately seeking medical assistance, as well as the limited immunities afforded an individual who seeks medical assistance for themselves for a possible overdose. Based on previous experience with similar media campaigns, DAODAS estimates the ad campaign will increase General Fund expenditures by \$985,000 annually beginning in FY 2020-21. DAODAS indicates this media campaign would be executed through a contracted vendor and would not require additional FTEs. The department's estimate includes approximately \$190,000 for account and creative services, \$320,000 for electronic media, and \$475,000 for printed media.

DAODAS indicates that while this bill directs the department to apply for applicable federal funding, at this time the department does not know of any federal grants purely directed toward the campaign specified in the bill. To the extent the department is able to secure federal funding, the General Fund impact may be reduced. Therefore, it is estimated this bill will increase the General Fund expenditures of DAODAS by \$985,000 annually beginning in FY 2020-21 for a contracted media campaign, subject to any potential offset from federal grants.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director