



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

FINAL FISCAL NOTE

Drafting Number: LLS 20-0295	Date: August 5, 2020
Prime Sponsors: Sen. Pettersen; Priola	Bill Status: Signed into Law
Rep. Buentello; Herod	Fiscal Analyst: Clare Pramuk 303-866-2677
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Bill Topic: **SUBSTANCE USE DISORDER RECOVERY**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill modifies the definition of "child abuse or neglect" in regards to substance exposure and continues the Opioid and Other Substance Use Disorders Committee. This bill increases state expenditures on an ongoing basis beginning in FY 2020-21.

Appropriation Summary: For FY 2020-21, this bill requires an appropriation of \$74,620 to the Department of Human Services.

Fiscal Note Status: The final fiscal note reflects the reengrossed bill as amended by the House Health and Environment Committee.

**Table 1
State Fiscal Impacts Under SB 20-028**

		FY 2020-21	FY 2021-22
Revenue		-	-
Expenditures	General Fund	\$74,620	\$111,317
	Centrally Appropriated	-	\$8,359
	Total	\$74,620	\$119,676
	Total FTE	0.4 FTE	0.8 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

This bill modifies the definition of "child abuse or neglect" in regards to substance exposure and continues the Opioid and Other Substance Use Disorders Committee as discussed below.

Child abuse, neglect, or dependency. The bill modifies the definition of "child abuse or neglect" in regards to substance exposure in the Colorado Children's Code to include any newborn child who is affected by alcohol or drug exposure and where factors are present that threaten the health or welfare of the newborn child. Under current law, "child abuse or neglect" from substance exposure is defined as when a child tests positive for a schedule I or schedule II controlled substance, unless the schedule II controlled substance is the result of the mother's lawful use of that drug. There is an exception for when substances are taken as prescribed while being monitored by a licensed health care provider. The bill requires the Department of Human Services (DHS) to promulgate rules to determine whether a child is abused, neglected, or dependent under this new criteria.

Continuation of Opioid and Other Substance Use Disorders Committee. The bill continues the Opioid and Other Substance Use Disorders Committee (committee) for an additional four years and allows it to meet up to six times every odd year. The committee is directed to study co-occurring mental health conditions and substance use disorders, including the benefits of integrated services; and the impact of COVID-19, on the provision of prevention, harm reduction, treatment and recovery support services, and related behavioral health services. The committee may recommend up to five bills during each interim.

State Expenditures

This bill will increase state General Fund expenditures by \$74,620 and 0.4 FTE in FY 2020-21 and \$119,676 and 0.8 FTE in FY 2021-22. These costs are shown in Table 2 and explained below.

**Table 2
Expenditures Under SB 20-028**

	FY 2020-21	FY 2021-22
Department of Human Services		
Legal Services	\$74,620	\$63,960
FTE – Legal Services	0.4 FTE	0.3 FTE
DHS Subtotal	\$74,620	\$63,960
Legislative Department		
Personal Services	-	\$33,573
Committee Reimbursement	-	\$13,784
Centrally Appropriated Costs*	-	\$8,359
FTE – Personal Services	-	0.5 FTE
Legislative Subtotal	-	\$55,716
Total Cost	\$74,620	\$119,676
Total FTE	0.4 FTE	0.8 FTE

Department of Human Services. The DHS will have an increase in expenditures of \$74,620 and 0.4 FTE in FY 2020-21 and \$63,960 and 0.3 FTE in FY 2021-22 for reappropriation to the Department of Law. These costs are for legal services related to the modification of definition of child abuse, neglect, and dependency. The DHS will require approximately 700 hours (0.4 FTE) of legal services in FY 2020-21 and 600 hours (0.3 FTE) in FY 2021-22 and future years to accommodate an increase in the number of appeals of findings of abuse or neglect.

Legislative Department. The standard costs for Legislative Council Staff and the Office of Legislative Legal Services to staff an interim committee includes 0.3 FTE of a researcher, 0.1 FTE of an attorney, and 0.1 FTE of a legislative editor. Reimbursement for the 10 committee members assumes 6 meetings with costs of \$110.73 for per diem and \$119.00 for travel, resulting in costs of \$13,784 to be incurred in FY 2021-22 and FY 2023-24.

Local Government

Child welfare caseworkers who work for local governments may require additional training on the bill's changes to the definition of child abuse or neglect. This change may also result in additional reports of child abuse or neglect, which will increase staff time required to assess, investigate, and provide services in child welfare cases and to participate in any court proceeding associated with these cases.

Effective Date

The bill was signed into law by the Governor and took effect June 30, 2020.

State Appropriations

For FY 2020-21, the bill requires a General Fund appropriation of \$74,620 to the Department of Human Services to be reappropriated to the Department of Law with 0.4 FTE.

State and Local Government Contacts

Counties	Higher Education	Human Services
Information Technology	Judicial	Labor
Law	Legislative Council	Legislative Legal Services
Local Affairs	Public Health and Environment	