

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 222** HLS 20RS 619  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> May 12, 2020 11:53 AM	<b>Author:</b> MACK
<b>Dept./Agy.:</b> Corrections, Pharmacy Board & Board of Medical Examiners	<b>Analyst:</b> Monique Appeaning
<b>Subject:</b> Death Sentence	

CRIMINAL/SENTENCING OR SEE FISC NOTE GF EX Page 1 of 1  
 Provides relative to the execution of a death sentence

Proposed law provides for specific methods of execution for a death sentence; specific testing for potency by Louisiana State Board of Medical Examiners and the Louisiana Board of Pharmacy; provides for specific confidentiality of identifying information of any person or entity that performs certain functions with respect to any substance, medical supplies, or medical equipment utilized in the execution of a death sentence; and provides for retroactive application.

<b>EXPENDITURES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b><u>\$0</u></b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law would create an indeterminable fiscal impact to the Department of Public Safety & Corrections - Corrections Services (DPSC - CS) as it provides relative to methods of execution for a death sentence; provides for the testing of any substance utilized in the execution of a death sentence; provides for the confidentiality of identifying information of any person or entity that performs certain functions with respect to any substance, medical supplies, or medical supplies, or medical equipment utilized in the execution of death sentence; and provides for retroactive application. This may increase the ability to carry out an execution as privacy protections may facilitate locating and establishing a contract with a compound pharmacist who is willing to create and/or prepare a medication tailored to the need. The actual cost will not be known until such contract is established. DPSC-CS will also experience an indeterminable increase in SGF expenditures upon contracting with a vendor to certify the purity of products by a state or local forensics lab or an accredited third-party lab approved by the department. To the degree that executions may be expedited, DPSC-CS would realize an indeterminable cost savings related to the incarceration of inmates under penalty of death. The net expenditure impact is indeterminable.

The Louisiana State Board of Medical Examiners (LSBME) reports that it does not test medications for potency and has no mechanism or capacity to do so.

The Board of Pharmacy (BOP) reports that it does not possess laboratory equipment nor does it have office space to accommodate such equipment. BOP reports it would need to buy land, build a laboratory facility, purchase the required equipment, and then engage the appropriate mix of professional, technical, and clerical staff to operate the facility. BOP reports that it has no estimates for any of those resource requirements. BOP's fees are established by statute and relate to its licensing and enforcement functions. On the presumption BOP can not use its fees for any other purpose, it has no source of funds to construct and/or operate a laboratory facility.

*NOTE: The LFO assumes the potency testing function assigned to the respective boards could potentially be contracted to a private lab without incurring capital and direct operating costs, but the boards would still require identification of a source of funding to effectuate this provision. Otherwise, an indeterminable appropriation of SGF may be required.*

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|----------------------------|--|
| <u>Senate</u>   | <u>Dual Referral Rules</u> | <u>House</u>   |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}       |                            | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H} |                            | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**