



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

January 24, 2023

To: **RennaeVanessa C. Meno**
Clerk of the Legislature

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Fiscal Note for Bill No. 10-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 10-37 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



Bureau of Budget & Management Research
Fiscal Note of Bill No. 10-37 (COR)

AN ACT RELATIVE TO AUTHORIZING LAW ENFORCEMENT, FIRST RESPONDER, AND COMMUNITY ORGANIZATION ACCESS TO NALOXONE TO PREVENT OPIOID OVERDOSE, INCLUDING FENTANYL, TO BE KNOWN AS "THE GUAM OPIOID OVERDOSE PREVENTION ACT OF 2023," BY ADDING A NEW CHAPTER 16 TO DIVISION 1, TITLE 10, GUAM CODE ANNOTATED.

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Public Health and Social Services	Dept./Agency Head: Arthur U. San Agustin, MHR
Department's General Fund (GF) appropriation(s) to date: Operations (\$50,001,474); Health Insurance Premiums for Foster Children (\$665,396); Health Professional Licensing Office (\$283,541); Child Protective Services Program (\$981,935)	\$51,932,346
Department's Other Fund appropriation(s) to date: Environmental Health Fund (\$1,302,065); Healthy Futures Fund (\$9,222,019); Health Professional Licensing Office Revolving Fund (\$300,975); Office of Vital Statistics Revolving Fund (\$230,705); DPHSS Sanitary Inspections Revolving Fund (\$158,878); Healthy Futures Fund for the Guam Cancer Registry (\$389,144)	\$11,603,786
Total Department/Agency Appropriation(s) to date:	\$63,536,132

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2022 Unreserved Fund Balance	\$0	\$0	\$0
FY 2023 Adopted Revenues	\$0	\$0	\$0
FY 2023 Appro. (P.L. 36-107)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2023 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund	1/	1/	\$0	\$0	\$0	\$0
GMHA Pharmaceuticals Fund	1/	1/	\$0	\$0	\$0	\$0
Total	1/	1/	\$0	\$0	\$0	\$0

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|---|------------|----------|
| 1. Does the bill contain "revenue generating" provisions? | / / Yes | / X / No |
| If Yes, see attachment | | |
| 2. Is amount appropriated adequate to fund the intent of the appropriation? | / X / N/A | / / Yes |
| If no, what is the additional amount required? | / X / N/A | / / No |
| 3. Does the Bill establish a new program/agency? | / / Yes | / X / No |
| If yes, will the program duplicate existing programs/agencies? | / X / N/A | / / Yes |
| Is there a federal mandate to establish the program/agency? | / / Yes | / X / No |
| 4. Will the enactment of this Bill require new physical facilities? | / / Yes | / X / No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: | / X / Yes | / / No |
| / X / Requested agency comments not received by due date | / / Other: | |

Analyst: <u>AR Ofeciar</u> Abigail R. Ofeciar, BMA IV	Date: <u>1/23/2023</u>	Director: <u>[Signature]</u> Lester L. Carlson, Jr., Director	Date: <u>JAN 24 2023</u>
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Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 10-37 (COR)

The proposed legislation is an act to add a new Chapter 16 to Division 1 of Title 10 Guam Code Annotated (Title 10 GCA) to be known as "*The Guam Opioid Overdose Prevention Act of 2023*", which will authorize law enforcement, first responder, and community organizations access to naloxone to prevent opioid overdose. The legislative findings and intent section of the proposed legislation reports that as a result of the rising number of deaths due to opioid overdose, particularly synthetic opioids such as fentanyl, expanded access to emergency opioid antagonists, such as naloxone, may help save the lives of individuals experiencing opioid overdose. This includes initiatives to educate the public on the life-saving capabilities of emergency opioid antagonists.

The proposed legislation will grant prescriptive authority to health care professionals as well as dispensing and distribution authority to pharmacists and employees or volunteers of a community-based organization relative to opioid antagonists. Employees or volunteers of community-based organizations will be required to undergo trainings to be conducted by the Department of Public Health and Social Services (DPHSS) or the Guam Behavioral Health and Wellness Center (GBHWC) prior to dispensing or distributing opioid antagonists. Education and training for the recipients of opioid antagonists shall also be provided by the health care professionals and employees or volunteers of a community-based organization upon prescribing, dispensing, or distribution of opioid antagonists. Naloxone and other opioid antagonists may be furnished by pharmacies, wholesalers, or manufacturers to law enforcement agencies with certain conditions to include completion of training in administering opioid antagonists; and maintenance of records as it pertains to the acquisition and disposition of opioid antagonists.

Civil or criminal liability immunity shall also be granted to health care professionals and employees or volunteers of a community-based organization who prescribes, dispenses, or distributes opioid antagonists in accordance with this legislation, unless their actions represent recklessness, gross negligence, or intentional misconduct. This legislation, however, does not require a health care professional to prescribe, dispense, or distribute opioid antagonists even to qualified individuals. The act of not prescribing, dispensing, or distributing opioid antagonists by health care professionals shall also be immune from civil or criminal liability, unless such actions represent recklessness, gross negligence, or intentional misconduct.

It should be noted that the proposed legislation does not contain an appropriation clause identifying a funding source for acquiring these opioid antagonists, such as Naloxone. Given the intent of the legislation to expand access to these opioid antagonists to include providing law enforcement agencies access to such medication as they respond to emergencies or critical incidents, the government stands to incur additional expenses, which the proposed legislation does not address in its current form. In addition, upon enactment of Bill No. 5-37 (COR), the Bureau anticipates that DPHSS must establish standard operating procedures on conducting the trainings relative to opioid antagonists. However, absent pertinent information from DPHSS and other relevant entities to include: (a) costs associated with providing the training, and (b) capabilities of DPHSS to absorb such costs, in addition to the lack of identified funding source for acquiring these opioid antagonists such as Naloxone, the Bureau is unable to determine an approximate fiscal impact at this time.

The Bureau notes that Bill No. 5-37 (COR) proposes the same exact legislation except that it adds a new Chapter 20 to Division 1 of Title 10 Guam Code Annotated (Title 10 GCA) instead of a new Chapter 16 as proposed in this legislation.