

February 11, 2011

The Honorable Pat Colloton, Chairperson
House Committee on Corrections and Juvenile Justice
Statehouse, Room 167-W
Topeka, Kansas 66612

Dear Representative Colloton:

SUBJECT: Fiscal Note for HB 2098 by House Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2098 is respectfully submitted to your committee.

HB 2098 would amend current law by removing ephedrine and pseudoephedrine from the schedule V list of drugs and adding them to the schedule III list of controlled substances. Ephedrine and pseudoephedrine can be used as precursors for the manufacture of methamphetamine. Under existing law, dispensation of schedule III drugs requires a prescription from a medical practitioner.

The Kansas Sentencing Commission estimates that passage of HB 2098 would result in an increase of up to three adult prison beds in FY 2012 and an increase of up to four adult prison beds by FY 2021. Currently, the number of male inmates exceeds the available bed capacity of 8,259, and based upon the Kansas Sentencing Commission projections, it is estimated that at the end of FY 2011 and FY 2012, the number of male inmates will exceed available capacity by 235 beds and 394 beds, respectively. To address capacity issues, the Governor's recommended FY 2012 budget includes \$2.5 million for contract prison beds. If it is determined that facility construction is necessary, the Department of Corrections has identified two capacity expansion projects: two high medium security housing units at El Dorado Correctional Facility that would provide 512 beds with a construction cost of \$22,687,232 (\$44,311 per bed X 512) and operating costs of \$9,339,904 (\$18,242 per bed X 512); and one minimum security housing unit at Ellsworth Correctional Facility that would provide 100 beds with a construction cost of \$5,935,000 (\$59,350 per bed X 100) and operating costs of \$1,832,000 (\$18,320 per bed X 100).

Enactment of HB 2098 would not have a fiscal effect on the Board of Pharmacy. Currently, the Board tracks all schedule III prescription drugs through the agency's monitoring program, K-Tracs. The substances added to the schedule under the new bill would be included

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in the tracking process without affecting Board workloads. Any fiscal effect associated with HB 2098 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Debra Billingsley, Pharmacy
Linda Durand, KBI
Brenda Harmon, Sentencing
Jeremy Barclay, KDOC
Pat Scalia, BIDS