149th GENERAL ASSEMBLY
FISCAL NOTE

BILL:	**SENATE BILL NO. 176**
SPONSOR:	**Senator Hansen**
DESCRIPTION:	**AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE CREATING A PRESCRIPTION OPIOID IMPACT FUND.**

Assumptions:

1. This Act becomes effective upon signature by the Governor.

2. This Act creates a Prescription Opioid Impact Fund (the Fund) funded by a Prescription Opioid Impact Fee (the Fee) paid by pharmaceutical manufacturers.

3. The Fee will be assessed quarterly in the amount of $0.01 per morphine milligram equivalent (MME) in each dose of the manufacturer's opioid drugs dispensed in the State.

4. The quarterly amount of MMEs dispensed is determined by data entered into the Prescription Monitoring Program, which includes all prescription opioids dispensed to individuals by pharmacists in the State. The Prescription Monitoring Program data does not include prescription opioids administered by hospitals to treat addiction. The Prescription Monitoring Program is currently administered by the Department of State, Division of Professional Regulation.

5. Money in the Fund may be used by the Secretary of the Department of Health and Social Services for opioid addiction prevention, treatment, and research. Additionally, up to 10% of the annual amounts deposited into the Fund may be used for administration of the Prescription Monitoring Program, and up to 10% of the annual amounts deposited into the Fund may be used for administration, with allowance given for additional funds, if necessary, for the Attorney General to address violations of this Act.

6. Quarterly invoices will be sent to pharmaceutical manufacturers after the close of the first full quarter after the effective date of this Act. The costs associated with administration (billing services) include $2,400 for mailing and supplies and $8,000 for contractual services (staff) annually. Any administration costs incurred prior to collection of the Fee will be reimbursed by the Fund when deposits are received.

7. According to data collected by the Prescription Monitoring Program, if the Fee had been applied in calendar years 2015, 2016, and 2017, approximately $11 million, $10 million, and $9 million would have been collected each year, respectively. Because this data shows a downward trend, which will continue if prescription opioid use decreases, a 5% reduction is included in the fee collection projection to account for this trend, as well as any lags or impediments that may occur in collection.

Cost:

Fiscal Year 2019:	$10,400 (All costs will be reimbursed by the Fund upon fee collection)
Fiscal Year 2020:	$0 (All costs will be paid by the Fund)
Fiscal Year 2021:	$0 (All costs will be paid by the Fund)

Fee Collection:

Fiscal Year 2019:	$8,550,000
Fiscal Year 2020:	$8,122,500
Fiscal Year 2021:	$7,716,375

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