Department of Planning and Budget
2020 Fiscal Impact Statement

1. **Bill Number:** HB1649

House of Origin	☒ Introduced	☐ Substitute	☐ Engrossed
Second House	☐ In Committee	☐ Substitute	☐ Enrolled

2. **Patron:** Kory

3. **Committee:** Courts of Justice

4. **Title:** Health care; decision making; end of life; penalties.

5. **Summary:** Allows an adult diagnosed with a terminal condition to request and an attending health care provider to prescribe a self-administered controlled substance for the purpose of ending the patient's life in a humane and dignified manner. The bill requires that a patient's request for a self-administered controlled substance to end his life must be given orally on two occasions and in writing, signed by the patient and one witness, and that the patient be given an express opportunity to rescind his request at any time. The bill makes it a Class 2 felony (i) to willfully and deliberately alter, forge, conceal, or destroy a patient's request, or rescission of request, for a self-administered controlled substance to end his life with the intent and effect of causing the patient's death; (ii) to coerce, intimidate, or exert undue influence on a patient to request a self-administered controlled substance for the purpose of ending his life or to destroy the patient's rescission of such request with the intent and effect of causing the patient's death; or (iii) to coerce, intimidate, or exert undue influence on a patient to forgo a self-administered controlled substance for the purpose of ending the patient's life. The bill also grants immunity from civil or criminal liability and professional disciplinary action to any person who complies with the provisions of the bill and allows health care providers to refuse to participate in the provision of a self-administered controlled substance to a patient for the purpose of ending the patient's life.

6. **Budget Amendment Necessary**: Yes, item 402.

7. **Fiscal Impact Estimates:** See item 8.

   7a. Expenditure Impact:

Fiscal Year	Dollars	Positions	Fund
2021	50,000		01000

8. **Fiscal Implications:** For someone convicted of a Class 2 felony, a judge has the option of sentencing him from 20 years to life in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

   There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is

to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities $4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail and $12.00 a day for each state responsible inmate. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2018), the estimated total state support for local jails averaged $33.83 per inmate, per day in FY 2017.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2 of the 2018 Acts of Assembly, Special Session I requires that a minimum impact of $50,000 be assigned to the bill.

The impact on the Department of Health Professions cannot be determined. The provisions of the bill could generate a number of complaints to the Board of Medicine that would need to be investigated and adjudicated. There is insufficient information to know what the potential cost of this cost would be.

9. **Specific Agency or Political Subdivisions Affected:** Department of Corrections and the Department of Health Professions.

10. **Technical Amendment Necessary:** No.

11. **Other Comments:** None.