

**FISCAL NOTE**  
**SENATE BILL NO. 2248**  
**LC# 23.0573.07000**  
**03/22/2023**

## 1 - State Fiscal Effect

*Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

|                | 2021-2023 Biennium |             | 2023-2025 Biennium |             | 2025-2027 Biennium |             |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
|                | General Fund       | Other Funds | General Fund       | Other Funds | General Fund       | Other Funds |
| Revenues       |                    |             |                    |             |                    |             |
| Expenditures   |                    |             |                    |             |                    |             |
| Appropriations |                    |             |                    |             |                    |             |

## 2 - County, City, School District, and Township Fiscal Effect

*Identify the fiscal effect on the appropriate political subdivision.*

|                  | 2021-2023 Biennium | 2023-2025 Biennium | 2025-2027 Biennium |
|------------------|--------------------|--------------------|--------------------|
| Counties         |                    |                    |                    |
| Cities           |                    |                    |                    |
| School Districts |                    |                    |                    |
| Townships        |                    |                    |                    |

## 3 - Bill and Fiscal Impact Summary

*Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

SB2248 imposes a special penalty for individuals who cause the death or injury of another person through distribution of illegal drugs and requires a reporting mechanism from the Department of Health & Human Services.

## 4 - Fiscal Impact Sections Detail

*Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

The DOCR does not have sufficient data to estimate the impact of SB2248. SB2248 broadens the scope of individuals who could be prosecuted for causing the death or injury by distributing controlled substances. NDCC 19-03.1-23.1 currently provides for increased penalties for a defendant who sells, distributes, delivers, or conspires to deliver a controlled substance to an individual that results in the death of the individual due to the use of the controlled substance.

According to the State Correctional Health Authority, Dr. John Hagan, overdose deaths reported by the state epidemiologist are:

ALL overdoses, all causes, state wide:

2019 76

2020 115

2021 131

2022 is incomplete. Finals on toxicology can take 3-6 months.

Of all deaths with finalized death certificates so far:

108 OD deaths

80 opioid

74 are fentanyl

28 of these also had meth on board

DOCR is not able to estimate how SB2248 will result in successful prosecution of additional individuals resulting in a prison sentence.

\*Section 2 requires the ND Department of Health and Human Services to provide a reporting mechanism for law enforcement agencies and health care providers relating to fentanyl deaths. They estimated no additional cost for DHHS.

## 5 - Revenues Detail

*For information shown under state fiscal effect in 1 or 2, please explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

## 6 - Expenditures Detail

*For information shown under state fiscal effect in 1 or 2, please explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Section 2 requires the ND Department of Health and Human Services to provide a reporting mechanism for law enforcement agencies and health care providers relating to fentanyl deaths. They estimated no additional cost for DHHS.

## 7 - Appropriations Detail

*For information shown under state fiscal effect in 1 or 2, please explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

Section 2 requires the ND Department of Health and Human Services to provide a reporting mechanism for law enforcement agencies and health care providers relating to fentanyl deaths. They estimated no additional cost for DHHS.

## Contact Information

**Name:** Michele Zander

**Agency:** ND Department of Corrections & Rehabilitation

**Telephone:** 7013286656

**Date Prepared:** 03/22/2023