

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 5445

STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JANUARY 10, 2020

SUMMARY

- Synopsis:** Requires AG to establish program to detect fentanyl in State's illegal drug supply and make information related to presence of fentanyl available in database accessible by law enforcement.
- Type of Impact:** Annual State and local expenditure increase.
- Agencies Affected:** Department of Law and Public Safety; Local Law Enforcement Agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Expenditure Increase		Indeterminate	
Local Expenditure Increase		Indeterminate	

- The Office of Legislative Services (OLS) finds that the bill will cause indeterminate annual expenditure increases to the Department of Law and Public Safety (LPS) to maintain the program to test for and monitor the presence and content of fentanyl in illegal substances seized by law enforcement agencies in the State.
- The Division of State Police and local law enforcement officers would be required to test all seized controlled dangerous substances for the presence of fentanyl using forensic laboratory analysis. The bill does not specify whether the State or local law enforcement agencies would be responsible for the cost of conducting the fentanyl testing analysis or for any requisite training by the officers.
- The bill requires the Attorney General to maintain a database that contains pertinent information on the presence and content of fentanyl in seized drugs that is accessible by all law enforcement agencies in the State. This requirement may add additional costs to the LPS to develop the database and may necessitate additional expenditures by the LPS and local law enforcement agencies to continuously update the database as new information becomes available.

BILL DESCRIPTION

This bill requires the Attorney General to maintain a program to monitor drug activity in the State and surrounding regions.

The program is to provide for multi-jurisdictional sharing of drug incident information among law enforcement agencies. Information related to drug seizures, overdoses, criminal behavior, and health care-related services is to be collected and analyzed to assist in facilitating the development of enhanced policies and practices to prevent drug abuse and misuse and to mitigate the harmful effects that drugs inflict on communities.

The program is to monitor and analyze trends related to the presence and content of fentanyl in illegal substances seized by law enforcement throughout the State. To identify these trends, the Attorney General is to require controlled dangerous substances seized by law enforcement officers in the State to be tested for the presence of fentanyl in accordance with protocols established by the Division of State Police. The testing is to be performed using appropriate forensic laboratory analysis techniques. Available information related to the presence and content of fentanyl in the substance is to be reported to the Attorney General in a timely manner.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds that the bill will cause indeterminate annual expenditure increases to the Department of Law and Public Safety and local law enforcement agencies to test for and monitor the presence and content of fentanyl in illegal substances seized by law enforcement agencies in the State. The Division of State Police and local law enforcement officers would be required to test all seized controlled dangerous substances for the presence of fentanyl using forensic laboratory analysis techniques, which may include using fentanyl strips. These strips generally cost \$1 to \$2 per test, but it is not known how many would be purchased and how often new testing techniques are made available and what their cost might be. The bill does not specify whether the State or local law enforcement agencies would be responsible for the cost of providing the fentanyl testing analysis. The OLS is also uncertain if a Statewide training program will be required for law enforcement officers to detect fentanyl in any confiscated drugs or whether there are any Attorney General directives regarding the practice of evaluating the chemical components of confiscated drugs.

The bill requires the Attorney General to maintain a database that is accessible by all law enforcement agencies in the State. There may be additional costs to continuously update the database and to make sure that all law enforcement agencies have access to it. Depending on the resource allocation policies of the affected agencies, the added responsibilities may or may not augment State and local government administrative expenditures.

For context, in 2017 there were 1,969 drug overdose deaths involving opioids in New Jersey, which is 50 percent higher than the national rate. According to NJ Cares, a realtime dashboard of opioid-related data maintained by the State, there were 1,429 fentanyl specific overdose deaths in 2017.

Section: Law and Public Safety

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).