



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 228 of the 128th G.A.

**Date:** December 1, 2009

**Status:** As Introduced

**Sponsor:** Rep. Domenick

**Local Impact Statement Procedure Required:** No — Minimal cost

**Contents:** Requires a coroner, deputy coroner, or pathologist to administer a chemical blood test when a person has died by suicide or in an unusual manner, if the test is requested and paid for by a family member

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

#### LOCAL GOVERNMENT

#### FY 2010 – FUTURE YEARS

#### County Coroners

Revenues

Potential gain

Expenditures

Potential increase

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- County coroners' offices could experience an increase in costs to perform the chemical blood test when requested by a deceased person's family in the case of death by suicide or in a suspicious or unusual manner.
- Any costs incurred by a county coroner's office to perform the test will be mostly offset by revenue generated from reimbursement by the family member who requested the test.

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## Detailed Fiscal Analysis

The bill requires coroners, deputy coroners, and pathologists to administer a chemical blood test for drug and alcohol content if the deceased person died by suicide or in a suspicious or unusual manner, and if the test is requested and paid for by a family member. Under current law, the coroner decides what tests, if any, should be performed to determine the cause and circumstances of death except in the case of a motor vehicle accident where the operator was killed. In those cases, current law requires the coroner to administer a chemical blood test to determine the alcohol, drug, or alcohol and drug content of the blood.

There are two types of forensic toxicology testing services used in death investigations throughout the state; both include chemical blood testing. One type is a general and nonspecific test that is used when a drug screen is desired but the specific drug is not necessary to determine cause of death. This type of service would be used in cases where a passenger of a motor vehicle was killed in an accident or in the case of death by suicide involving means other than a suspected drug overdose. The other type is more comprehensive and consists of specific tests that can positively identify the presence of a particular substance. This type of service would be used in cases where a comprehensive drug screen is necessary to determine cause of death, such as a suspected drug overdose. Depending on the type of forensic toxicology testing utilized, the cost of the test can range from \$300 to \$500.

The bill does not specify the payment process to be used when a family requests a chemical blood test. Legislative Service Commission staff assumes that since the coroner's office would draw the blood sample and write the order for the testing, the county would pay for the test and then be reimbursed by the deceased person's family member. If these assumptions are correct, counties would experience an increase in costs for the test with a corresponding gain in revenue from reimbursement for the cost of the test. According to the Executive Director of the Ohio State Coroner's Association, complete toxicology testing is performed in about 95% of all cases statewide, with most counties performing tests in all cases. Therefore, requests for testing under the provisions of the bill are likely to be few and the effect on county costs and revenue to be minimal.