

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2508-01
Bill No.: Perfected SB 1
Subject: Abortion; Children and Minors; Health Care; Health Care Professionals; Liability; Medical Procedures and Personnel
Type: Original
Date: September 8, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	\$0	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator**, the **State Public Defender**, the **Department of Corrections**, and the **Department of Health and Senior Services** assume this proposal would not fiscally impact their agencies.

Officials from the **Office of Attorney General (AGO)** state that this proposal makes changes to provisions of law relating to abortion services. AGO assumes that provisions relating to new definitions (Section 188.031) and requirements for physicians performing abortions (Section 188.080) will create no fiscal impact.

With regard to provisions relating to minors and abortions (Section 188.250 et seq.), AGO assumes that this proposal will create a fiscal impact. AGO assumes it would need one AAG I to represent "persons adversely affected" in this proposal by bringing injunctions on their behalf.

Oversight assumes that the AGO could absorb any additional costs.

Officials from the **Office of Prosecution Services (OPS)** did not respond to our fiscal note request. However, in a similar proposal (HB 1, L.R. 2501-02) the OPS did not assume the

ASSUMPTION (continued)

proposal would fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2006	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

SECTION 188.031 - This proposal provides, as to a minor's consent for an abortion, that the term "next friend" shall not include another minor child or any persons or entities who have a financial interest or potential gain from the proposed abortion.

SECTION 188.080 - This proposal modifies the penalty for physicians who perform abortions. Currently, anyone who is not a licensed physician is prohibited from performing abortions. This proposal prohibits anyone who is not a physician from performing, inducing or attempting to perform or induce an abortion and imposes a Class B felony. This proposal also provides that any physician who does not have clinical privileges to provide OB/GYN care at a hospital located within 30 miles of the location at which the abortion is performed or induced is guilty of a Class A misdemeanor.

SECTION 188.250 - This proposal also provides that no person shall intentionally cause, aid or assist a minor to obtain an abortion without the required informed consent or judicial decree. Any person who has sufficient contact with this state and violates this act shall be civilly liable to the minor and to the person required to give informed consent. A court may award damages, including attorney's fees, litigation costs and court costs, to any person adversely affected by a violation of this proposal. The court may include compensation for emotional injury even if there is no personal presence at the scene of any act or event. A court may also award punitive

DESCRIPTION (continued)

damages. However, any adult who has engaged in or consents to another person committing rape or incest against a minor which results in the minor obtaining an abortion shall not be awarded damages.

It is not a defense to a claim brought pursuant to this act that the abortion was performed in accordance with the required consent of the state or place where the abortion was performed.

A court may enjoin conduct in violation of this proposal upon a petition by the Attorney General, a prosecuting or circuit attorney, or a person adversely affected or who may be adversely affected. In order to enjoin such conduct, there must be a showing that such conduct is reasonably anticipated to occur in the future or has occurred in the past and it is not unreasonable to expect that such conduct will be repeated.

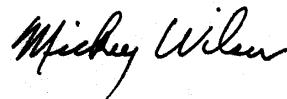
This proposal contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Court Administrator
Department of Health and Senior Services
Department of Corrections
Office of Attorney General
State Public Defender

NOT RESPONDING: Office of Prosecution Services



Mickey Wilson, CPA
Director
September 8, 2005