

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3158-02
Bill No.: SB 609
Subject: Abortion; Drugs and Controlled Substances; Employees-Employers; Health Care; Health Care Professionals; Medical Procedures and Personnel; Pharmacy
Type: Original
Date: February 13, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Unemployment Compensation Trust	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown less than \$100,000)	(Unknown less than \$100,000)	(Unknown less than \$100,000)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator, Department of Public Safety (DPS) - Director's Office, Missouri Consolidated Health Care Plan, Department of Insurance, Office of State Public Defender, Department of Social Services, Cedar County Memorial Hospital, Putnam County Memorial Hospital, Linn State Technical College, Missouri State University, Truman State University, and University of Missouri** assume the proposal would have no fiscal impact on their organizations.

Officials from the **Office of Prosecution Services** assume the proposal will not have a significant direct fiscal impact on county prosecutors.

Officials from the **Missouri Department of Transportation (DOT)** assume the proposal will have no fiscal impact on their organization or the DOT/Missouri State Highway Patrol medical plan.

Officials from the **Department of Economic Development - Division of Professional Registration** state having reviewed the proposed legislation and having sought the conclusion of the appropriate board(s), they are of the opinion the proposal, in its present form, has no fiscal impact on their organization.

ASSUMPTION (continued)

Officials from the **Department of Health and Senior Services (DOH)** state the proposal would not be expected to fiscally impact the operations of the DOH. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from **Lincoln University** state the proposal will result in a minimal fiscal impact in that such legislation will require a review of the University's charges and curriculum and may result in litigation to define certain terms and rights.

Officials from the **Department of Mental Health (DMH)** state in the event that a pharmacist would refuse to dispense any drug on the basis of personal belief, the DMH would be required to employ another employee to perform those services. However, there are so few pharmacists working as DMH employees that there would be no significant fiscal impact if a pharmacist(s) were to refuse to dispense any drugs due to his or her personal beliefs. Therefore, the DMH assumes no fiscal impact as a result of this proposal.

Officials from the **Office of Attorney General (AGO)** state that the provisions of this proposal do not directly affect the AGO. However, the AGO assumes that because this proposal has the potential to be the subject of litigation, costs are unknown, but likely to be less than \$100,000 annually.

Oversight assumes, because the potential for litigation is speculative, that the AGO will not incur significant costs related to this proposal. If a fiscal impact were to result, the AGO may request additional funding through the appropriations process.

Officials from the **Department of Labor and Industrial Relations (DOL)** assume that the number of individuals that would be affected by this provision would be small. However, the DOL has no way of determining the actual number of individuals who would be discharged under these circumstances and who would subsequently apply for unemployment compensation. Based on an average weekly benefit amount (\$205.57) and the average claim duration (15.5 weeks), each claim would potentially result in an additional \$3,186.34 in unemployment benefits being paid from the Unemployment Compensation Trust Fund.

Since the DOL anticipates the number of individuals that would be affected by this proposal to be small, **Oversight** assumes the fiscal impact would be unknown, less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
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**UNEMPLOYMENT
 COMPENSATION TRUST FUND**

Costs - Department of Labor and
 Industrial Relations

Increase in unemployment claims	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>
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**ESTIMATED NET EFFECT ON
 UNEMPLOYMENT
 COMPENSATION TRUST FUND**

	<u><u>(Unknown less than \$100,000)</u></u>	<u><u>(Unknown less than \$100,000)</u></u>	<u><u>(Unknown less than \$100,000)</u></u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

The proposal may impact small business pharmacies and health care facilities if they have personnel who exercise their conscience rights to not provide certain health services and the businesses have to hire additional personnel or decline business as a result.

DESCRIPTION

This proposal protects the conscience rights of pharmaceutical professionals. Such pharmaceutical professionals shall not be required to perform, assist, recommend, refer for, or participate in any service involving a particular drug or device that they have a good faith belief is used for abortions. In these instances, the pharmaceutical professional shall be immune from civil or criminal liability and will not have their license suspended or revoked.

Employers cannot refuse to hire, discriminate against, segregate, or terminate a pharmaceutical professional because of their opposition to any service involving a particular drug or device that they have a good faith belief is used for abortions. Colleges and teaching hospitals are also prohibited from discriminating against any person who refuses to participate in any service or training which involves a particular drug that they have a good faith belief is used for abortions. In addition, they are prohibited from requiring a student or teacher to pay fees to fund these activities.

DESCRIPTION (continued)

A party injured by any of the acts described in Sections 338.603 to 338.606 can institute a civil action to recover treble damages, court costs, and reasonable attorney's fees.

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 Attorney General
Office of State Courts Administrator
Department of Economic Development -
 Division of Professional Registration
Department of Mental Health
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Social Services
Missouri Department of Transportation
Missouri Consolidated Health Care Plan
Department of Insurance
Department of Public Safety
Office of Prosecution Services
Office of State Public Defender
Cedar County Memorial Hospital
Putnam County Memorial Hospital
University of Missouri
Missouri State University
Truman State University
Linn State Technical College
Lincoln University

SOURCES OF INFORMATION (continued)

NOT RESPONDING: Barton County Memorial Hospital, Bates County Memorial Hospital, Cooper County Memorial Hospital, Excelsior Springs Medical Center, Washington County Memorial Hospital, Central Missouri State University, State Fair Community College, Harris-Stowe, Southeast Missouri State University, St. Louis Community College, Three Rivers Community College, Northwest Missouri State College, MO Southern State College, and MO Western State College



Mickey Wilson, CPA
Director
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