

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1507-01  
Bill No.: SB 285  
Subject: Abortion; Drugs and Controlled Substances; Employees - Employers; Health Care; Health Care Professionals; Medical Procedures and Personnel; Pharmacy  
Type: Original  
Date: February 15, 2007

Bill Summary: This proposal protects the conscience rights of pharmaceutical professionals.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Unemployment Compensation Trust	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>	<b>(Less than \$100,000)</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Social Services, Lincoln University, Missouri State Highway Patrol, Metropolitan Community College, Linn State Technical College, Office of the State Courts Administrator, Department of Public Safety, Truman State University, Office of the State Public Defender, Department of Health and Senior Services, Office of Prosecution Services, Missouri Consolidated Health Care Plan, Department of Insurance, Financial Institutions and Professional Registration, Department of Highways and Transportation, University of Missouri** and the **Department of Conservation** each assume the proposal would have no fiscal impact on their respective agencies.

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

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, 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 their personal beliefs. No fiscal impact.

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume that the number of individuals that would be affected by this provision would be small. However the DOLIR 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 upon an average weekly benefit amount (\$209.79) and the average claim duration (14.5 weeks), each claim would potentially result in an addition \$3,042 in unemployment benefits being paid from the Unemployment Compensation Trust Fund.

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

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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**UNEMPLOYMENT  
 COMPENSATION TRUST FUND**

Costs - Department of Labor and  
 Industrial Relations

Increase in Unemployment Claims	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
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**ESTIMATED NET EFFECT ON  
 UNEMPLOYMENT  
 COMPENSATION TRUST FUND**

	<u><u>(Less than \$100,000)</u></u>	<u><u>(Less than \$100,000)</u></u>	<u><u>(Less than \$100,000)</u></u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>

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.

## FISCAL DESCRIPTION

This legislation 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.

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.

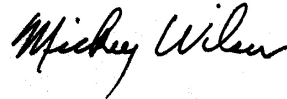
## SOURCES OF INFORMATION

Lincoln University  
Department of Conservation  
Missouri State Highway Patrol  
Metropolitan Community College  
Linn State Technical College  
Department of Social Services  
Office of the State Courts Administrator  
Office of the State Public Defender  
Department of Public Safety  
Truman State University  
Department of Health and Senior Services  
Office of Prosecution Services  
Missouri Consolidated Health Care Plan  
Department of Insurance, Financial Institutions and Professional Registration  
Department of Highways and Transportation

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SOURCES OF INFORMATION (continued)

University of Missouri  
Office of the Attorney General  
Department of Mental Health  
Department of Labor and Industrial Relations

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, slightly slanted style.

Mickey Wilson, CPA  
Director  
February 15, 2007