

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1567-04
Bill No.: SCS for SB's 370, 375 and 432
Subject: Health Care; Health, Public; Abortion
Type: Original
Date: March 4, 2007

Bill Summary: This proposal modifies provisions relating to abortion.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(Less than \$130,306)	(Less than \$136,797)	(Less than \$137,901)
Total Estimated Net Effect on General Revenue Fund	(Less than \$130,306)	(Less than \$136,797)	(Less than \$137,901)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 9 pages.

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

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

- 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).

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Labor and Industrial Relations, Office of Administration, Office of the Secretary of State, Metropolitan Community College, Linn State Technical College, Lincoln University**, and the **Department of Insurance, Financial Institutions & Professional Registration** each assume the proposal would have no fiscal impact on their respective agencies.

In response to a previous version of this proposal, officials from the **Office of Administration - Budget and Planning, University of Missouri - St. Louis, Independence School District, University of Central Missouri** and the **Missouri State University** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from the **Office of the Attorney General** 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.

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.

In a similar proposal, officials from the **Department of Elementary and Secondary Education (DESE)** stated section 170.015 RSMo will have no fiscal impact on their agency and little or no impact on local school districts. There may be some printing costs associated with modification of the language; however, the modifications would not prohibit the materials from including the latest medically factual information. DESE stated section 188.325 and 188.335 RSMo does not specify which agency or agencies shall administer the program. Depending upon the actions of the general assembly, this legislation may or may not impact our agency. The DESE defer to another agency regarding the potential costs of this proposal.

ASSUMPTION (continued)

Officials from the **Department of Higher Education (DHE)** assume this legislation has no direct fiscal impact on the DHE. However, the fiscal impact on the higher education institutions is unknown as the extent to which schools may be asked to participate is also unknown. In addition, the extent to which higher education institutions with medical faculty and/or facilities would be utilized in relation to provisions set forth in this legislation is also unknown. If the intention of section 170.015 RSMo is to include higher education institutions, there could be an impact on the institutions in determining the content validity of the coursework and instruction offered as well as any revisions necessary to comply with this section.

Oversight assumes the higher education institutions could absorb any impact in determining the content validity of the coursework and instruction offered.

Officials from the **Department of Health and Senior Services (DHSS)** assume section 170.015 RSMo would have no fiscal impact on their agency.

DHSS state section 188.325 and 188.335 RSMo establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program. The proposal does not indicate which state agency or agencies would be responsible for the program. However, since the DHSS currently operates alternatives to abortion program, DHSS assumes that it would be responsible for both the program and the public awareness program contained in this legislation.

Core staff are currently working on the Alternatives to Abortion program so no new DHSS staff are requested. A part-time Computer Information Technical Specialist I (CIT I) would be needed in Office of Administration (OA) Information Technology Services Division (ITSD) to support the operation of the Alternatives to Abortions Internet-based data collection system and assist the contractors when program malfunctions occur. DHSS staff will work with the CIT I to ensure the availability and reliability of program data generated for the program.

These sections also require the Department to develop the Missouri Alternatives to Abortion Public Awareness Program. As with its other media advertising, the Department would contract with advertising agencies to conduct the media campaign. The Department will develop and create as much of the campaign as possible to reduce costs. Two marketing firms were contacted regarding the portion of the legislation as it pertains to the advertising campaign. One firm estimated \$375,000 to \$600,000, another estimated \$545,000 to \$700,000. All firms stated that the more money spent on the campaign, the better the quality and the return on the advertising. The average of these ranges is \$460,000 to \$650,000. The Department calculated the media campaign costs by averaging these ranges. This provided a cost of \$555,000.

ASSUMPTION (continued)

The methodology used at arriving at the state fiscal impact for brochures was calculated based upon the estimate provided by OA State Printing for 10,000 tri-fold, double-sided brochures printed on 60 lb. paper with two colors. The Department would mail the brochures to private adoption agencies, family planning clinics, abortion clinics, medical clinics, and the general public. There would be a need of approximately 50 brochures for each type resulting in a total of 50,000 brochures at .22 each (\$11,000). Postage costs were calculated estimating 1,000 mailing at \$2.50 each (\$2,500).

Oversight assumes the OA ITSD could absorb a one-quarter FTE.

Based on a public awareness campaign for umbilical cord blood bank donations, DHSS assumed the awareness campaign would cost \$2,800 for brochures, \$1,065 for posters, \$1,860 for postage, \$30,000 for a radio campaign, and \$225 for translation of materials into Spanish. DHSS estimated total public awareness costs to be \$30,306 in FY08, \$36,797 in FY09 and \$37,901 in FY10. **Oversight** assumes a similar public awareness campaign could be used in this proposal at the same cost.

DHSS assume section 197.200 could result in a small increase in the number of ambulatory surgical centers to be licensed, but that the number would be small enough that no additional staff would be required and additional expenses would be minimal. Therefore, this proposal would not be expected to fiscally impact the operations of the DHSS. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Mental Health (DMH)** state the services and extent of service provision to be provided by DMH for "Medical and mental health care" is unclear. Therefore, the fiscal impact is "(Unknown but less than \$100,000)". Services provided for drug and alcohol testing and treatment will not result in a fiscal impact to the Department as currently existing specialized programs for women and children offer priority treatment to women who are pregnant.

Officials from the **Department of Social Services (DSS)** assume section 170.015 RSMo would have no fiscal impact on their agency. The Division of Youth Services would need to be cognizant of this rule when dealing with DYS students.

ASSUMPTION (continued)

The Division of Medical Services (DMS) states section 188.325 RSMo establishes the "Missouri Alternatives to Abortion Services Program". According to the Department of Health and Senior Services (DHSS), the program is available to women at or below 200% FPL and consists of services or counseling to assist women in carrying their pregnancy to term, and to assist them in caring for their dependent children or placing their children for adoption. Services include but are not limited to: prenatal care; medical and mental health care; parenting skills; drug and alcohol testing and treatment; child care; newborn care; housing; utilities; educational services; food, clothing, and supplies relating to pregnancy; adoption assistance, job training and placement; establishing and promoting responsible paternity; ultrasound services; case management; domestic abuse protection; and transportation. The program continues for up to one year following the birth of the child.

In FY05, the DHSS estimates 389 clients were served in this program. They project an average monthly number of 268 clients will be served in FY07.

The Division of Medical Services (DMS) administers the Missouri Medicaid program. Under the current Medicaid program the following services are covered: prenatal care; medical and mental health care; ultrasound services; case management; and transportation. All of the remaining services are not currently covered by Medicaid.

The DMS assumes the DHSS will administer the program and will cover any services that are not currently provided by Medicaid.

The DMS assumes these pregnant women are already in our caseload therefore there will be no fiscal impact.

Section 188.335 RSMo establishes the "Missouri Alternatives to Abortion Public Awareness Program" to be administered by a state agency or agencies. The program shall implement an advertising campaign publicizing alternatives to abortion services within the state. The administering agency shall match moneys appropriated for the program with federal, public, and private moneys. The moneys expended shall not be used for any abortion related service or reimbursed to any organization that performs abortion related services. The DMS assumes that the DHSS will be the administering agency. Therefore, there will not be a fiscal impact to the DMS for this section.

Officials from the DSS assume section 197.200 RSMo would have no fiscal impact on their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
GENERAL REVENUE FUND			
<u>Costs - Department of Health and Senior Services</u>			
Advertising Campaign	<u>(\$30,306)</u>	<u>(\$36,797)</u>	<u>(\$37,901)</u>
<u>Costs - Department of Mental Health</u>			
Program Costs	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Less than \$130,306)</u>	<u>(Less than \$136,797)</u>	<u>(Less than \$137,901)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<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.

FISCAL DESCRIPTION

Section 170.015 RSMo revises current law requirements for the presentation of information in public schools relating to contraception and sexually transmitted diseases.

Current law asserts that students must be presented with the latest medically factual information regarding side effects, health benefits, and failure rates for methods of prevention of pregnancy and sexually transmitted diseases. This section alters this provision, adding the requirement that students be presented information on contraceptives, pregnancy, and abortion in a manner consistent with federal abstinence laws.

School districts and charter schools are prohibited from providing abortion services or allowing a person or entity who provides abortion services from offering, sponsoring, or furnishing course materials related to human sexuality and sexually transmitted diseases.

The section explicitly states that its provisions are applicable to charter schools.

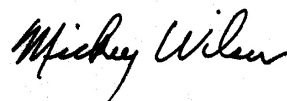
Section 188.325 and section 188.335 RSMo establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program. Such programs will provide services or counseling to pregnant women as well as assistance to women in caring for their children or placing them up for adoption. Counseling and services are available to a woman during her pregnancy and for one year after the birth of her child. The department or departments to which the programs are to be assigned by appropriations are required to develop an advertising campaign publicizing alternatives to abortion and to prioritize federal, public, and private moneys so that they are used first to fund these programs. The programs and their funds shall not be used to perform, induce, or assist in abortions.

Section 197.200 modifies the definition of "ambulatory surgical center" to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month."

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 the Attorney General
Office of Administration - Budget and Planning
Department of Higher Education
Office of Administration
Department of Elementary and Secondary Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Mental Health
Department of Social Services
Office of the Secretary of State
Metropolitan Community College
University of Central Missouri
Linn State Technical College
Missouri State University
Lincoln University
University of Missouri - St. Louis
Independence School District



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