

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1576-01
Bill No.: SB 279
Subject: Abortion; Health Care Professionals; Health and Senior Services Department;
 Medical Procedures and Personnel; Physicians
Type: Original
Date: February 7, 2019

Bill Summary: This proposal establishes the “Pain Capable Unborn Child Protection Act.”

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$6,480)	\$0	\$0
Total Estimated Net Effect on General Revenue	(\$6,480)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
 This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§188.027 and 188.375 - Pain Capable Unborn Child Protection Act

Officials from the **Department of Health and Senior Services (DHSS)** state §188.027 of the proposed legislation removes the requirement that a qualified professional provide a woman seeking an abortion with information regarding "the possibility of causing pain to the unborn child." Removing this would require the DHSS to revise the "Informed Consent" booklet. Revising this booklet falls into the established duties of the department. DHSS would also reprint the "Informed Consent" booklet that the Department of Social Services provides the funds for to print the booklets on an annual basis. The DHSS anticipates being able to absorb the costs identified as falling under current established duties. However, until the FY20 budget is final, the DHSS cannot identify specific funding sources.

§188.375.5 of the proposed legislation requires physicians performing abortions to report certain specified information to DHSS in accordance with forms set forth by the director of DHSS before December thirty-first of each year. The current electronic versions of the abortion reporting form, file layout, and the mainframe database will have to be modified to capture and store new information.

The proposed legislation also requires DHSS to issue a public report by June 30th of each year providing statistics compiled from all reports covering the previous year which were submitted in accordance with Section 188.375.5(1). The report shall provide statistics for all previous calendar years during which §188.375 was in effect, adjusted to reflect any additional information from late or corrected reports. This report, along with changing the current abortion reporting form, would fall into the established duties of the Bureau of Vital Statistics; therefore, no fiscal impact for staff is expected.

The department anticipates being able to absorb the costs identified as falling under current established duties. However, until the FY20 budget is final, the department cannot identify specific funding sources.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the DHSS will be able to perform the additional duties prescribed in this bill with current staff and resources and will present no fiscal impact to the DHSS for fiscal note purposes.

ASSUMPTION (continued)

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DHSS** state modification of the existing application tools will be needed to add additional data collection as specified in this proposal. Tools include a Microsoft Access database for data entry of paper forms, file layouts for electronic exchange and mainframe database used for statistical reporting.

OA, ITSD assumes any new IT project/system will be bid out as ITSD resources are at full capacity. The IT consultant rate of \$75 per hour is used to estimate system modifications. It is assumed 86.4 IT consultant hours will be needed to complete this project. One time costs to the General Revenue Fund in FY 2020 of \$6,480 are estimated. ($\$75/\text{hour} * 86.4 \text{ hours} = \$6,480$).

Oversight notes ITSD assumes that every new IT project/system will be bid out because all their resources are at full capacity. Due to the minimal impact of this proposal, Oversight assumes ITSD would contract out the work to IT consultants and will present the one-time costs of \$6,480 to GR funds as estimated by ITSD.

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration (DIFP)** state this bill is anticipated to have no fiscal impact to the department. However, should the work be more than anticipated, DIFP would request additional appropriation and/or FTE through the budget process.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the DIFP will be able to meet the requirements of this proposal with current staff and resources and will present no fiscal impact for the DIFP for fiscal note purposes.

ASSUMPTION (continued)

Oversight notes officials from the **Department of Corrections**, the **Department of Social Services** and the **Office of State Courts Administrator** assume this proposal will not have any fiscal impact to their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for these agencies for fiscal note purposes.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Costs - OA, ITSD/DSS (§§188.027 and 188.375)</u>			
IT consultant contract work	<u>(\$6,480)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$6,480)</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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

This act establishes the "Pain Capable Unborn Child Protection Act," which prohibits any abortion, except in the case of a medical emergency, from being performed or induced without a determination of the gestational age of the unborn child, as specified in the act. If the physician has determined that the unborn child has reached the "pain capable gestational age", defined as 22 weeks since the first day of the woman's last menstrual period, no abortion shall be performed or induced, unless the physician determines that the woman's medical condition necessitates the abortion to prevent death or substantial and irreversible physical impairment of a major bodily function. If a physician performs or induces an abortion under those circumstances, the pregnancy shall be terminated in a manner that provides the best opportunity for the unborn child to survive.

FISCAL DESCRIPTION (continued)

Any physician that performs or induces an abortion shall report to the Department of Health and Senior Services as specified in the act, including the probable gestational age, if determined, and the basis of that determination, or, if the age was not determined, the basis of the medical emergency. Additionally, the physician shall report the method of abortion. The report shall not contain the name or address of the patient or any other identifying information. The report shall be confidential and shall not be made available except under a court order.

Beginning June 30, 2020, and each year thereafter, the Department shall issue a public report releasing statistical information from previous calendar years compiled from the reports submitted under this act.

Any physician or other licensed medical practitioner who intentionally or recklessly performs or induces an abortion in violation of this act shall face disciplinary measures from their respective professional board, including, but not limited to, the loss of a professional license to practice. Any other person who intentionally or recklessly performs or induces an abortion in violation of this act shall be considered to have engaged in the unauthorized practice of medicine. No penalty shall be assessed against the woman upon whom the abortion was performed or induced or attempted to be performed or induced.

Finally, this act repeals existing provisions of law relating to the provision of certain printed materials to a woman prior to an abortion regarding the possibility of the abortion causing pain to a unborn child, as well as provisions relating to offering the woman, prior to an abortion, anesthetics or analgesics to eliminate or alleviate pain to the unborn child.

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
Department of Health and Senior Services
Department of Insurance, Financial Institutions and Professional Registration
Department of Corrections
Department of Social Services
Office of State Courts Administrator



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Director

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