

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3753S.02I  
 Bill No.: SB 699  
 Subject: Abortion; Attorney General; Courts; Crimes and Punishment; Health Care  
 Professionals; Physicians  
 Type: Original  
 Date: April 4, 2022

Bill Summary: This proposal establishes the "Abolition of Abortion in Missouri Act".

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>  |                    |                    |                    |
|--|--------------------|--------------------|--------------------|
| FUND AFFECTED  | FY 2023            | FY 2024            | FY 2025            |
| General Revenue *                                    | \$2,108,561        | \$2,108,561        | \$2,108,561        |
| <b>Total Estimated Net Effect on General Revenue</b> | <b>\$2,108,561</b> | <b>\$2,108,561</b> | <b>\$2,108,561</b> |

\*The proposal removes the Alternatives to Abortion Program and Missouri Alternatives to Abortion Public Awareness Program statutes (§188.325 - §188.335), resulting in savings to the General Revenue Fund.

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2023    | FY 2024    | FY 2025    |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>Other State Funds</u></b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: () indicate costs or losses.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2023</b> | <b>FY 2024</b> | <b>FY 2025</b> |
| Federal*  | \$0            | \$0            | \$0            |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

\*Savings and losses of \$4,350,000 net to \$0.

| <b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b> |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2023</b> | <b>FY 2024</b> | <b>FY 2025</b> |
|   |                |                |                |
| <b>Total Estimated Net Effect on FTE</b>                  | <b>0</b>       | <b>0</b>       | <b>0</b>       |

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                       |                       |                       |
|--|-----------------------|-----------------------|-----------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2023</b>        | <b>FY 2024</b>        | <b>FY 2025</b>        |
| <b>Local Government</b>                    | <b>\$0 to Unknown</b> | <b>\$0 to Unknown</b> | <b>\$0 to Unknown</b> |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Social Services (DSS)** provide the following information regarding the provisions of this proposal:

#### **Section 188.325** – Repeal of Alternatives to Abortion (A2A) services program

Section 188.325 is amended to repeal the “Missouri Alternatives to Abortion Services Program.” In SFY 22, \$2,033,561 in General Revenue and \$4,350,000 in federal funds is appropriated for the administration of this program.

Therefore, the fiscal impact to the Family Support Division (FSD) is \$6,383,561 (\$2,033,561 GR/ \$4,350,000 Federal) in cost savings.

#### **Section 188.335** - Repeal the “Missouri Alternatives to Abortion Public Awareness Program.”

Section 188.335 is amended to repeal the “Missouri Alternatives to Abortion Public Awareness Program.” In SFY 22, \$75,000 in General Revenue is appropriated for the administration of this program.

Therefore, the fiscal impact to FSD is \$75,000 GR in cost savings.

The total fiscal impact to FSD is a potential savings of \$6,458,561 (\$2,108,561 (\$2,033,561 + \$75,000) GR/\$4,350,000 Federal).

**Oversight** notes according to the DSS’ budget submission, the following organizations were awarded contracts in FY 2021 under the A2A program and are currently operating under a SFY 2021 contract extension for SFY 2022:

|   |                    |
|---|--------------------|
| Alliance for Life                       | \$2,150,140        |
| Catholic Charities of Southern Missouri | \$ 438,144         |
| Faith Maternity Care                    | \$ 184,772         |
| The Haven of Grace                      | \$ 463,800         |
| Laclede County Pregnancy Support Center | \$ 397,772         |
| The LIGHT House                         | \$ 296,016         |
| Lutheran Family & Children’s Services   | \$1,581,520        |
| Mother’s Refuge                         | \$ 296,016         |
| Nurses for Newborns                     | <u>\$ 463,800</u>  |
| TOTAL                                   | <u>\$6,271,980</u> |

**Oversight** has no information to the contrary and will present DSS' savings to the General Revenue Fund and Federal Funds. Oversight will present savings for 12 months for FY 2023. (The proposal contains an emergency clause.)

Officials from the **Department of Health and Senior Services (DHSS)** state the proposed legislation removes "abortion" and "abortion facilities" almost entirely from statute. The DHSS, Divisions of Regulation and Licensure, Section for Health Standards and Licensure (HSL) is responsible for inspecting and regulating abortion facilities. Time saved from not inspecting and regulating abortion facilities would be transferred into core duties of conducting other inspections and regulating other facilities that fall within HSL responsibility.

The DHSS anticipates being able to absorb the savings by using the time to perform other inspections. However, until the FY23 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 transfer time saved as a result of this proposal to other duties required to be performed by the department and will reflect no fiscal impact to the DHSS for fiscal note purposes.

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 **Missouri Office of Prosecution Services (MOPS)** state there is no measurable fiscal impact to OPS. The creation of additional responsibilities for county prosecutors and the circuit attorney may in turn result in additional costs which are difficult to determine.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §170.015 creates a new misdemeanor for violations of sexual education requirements. Violations of this section will be a class C misdemeanor subject to up to 15 days in jail and a fine up to \$700. It is unknown how many violations may occur annually under these provisions or the fines that may be imposed per occurrence. New misdemeanor crimes could increase local jail costs by an unknown amount. Any resulting fines would go to local school districts. There should not be a state impact.

**Oversight** does not have any information to the contrary. However, Oversight notes that violations of section §170.015 could result in fines or penalties. Oversight also notes per Article

IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Officials from the **Office of the State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **University of Central Missouri** state this proposal will have an indeterminate fiscal impact on their institution due to the uncertainty of application.

**Oversight** assumes any impact the University of Central Missouri may incur will be insignificant and absorbable within current funding levels.

Officials from the **Department of Commerce and Insurance, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Mental Health, the Department of Natural Resources, the Department of Corrections, the Department of Labor and Industrial Relations, the Department of Revenue, the Department of Public Safety, Divisions of: Alcohol and Tobacco Control, Capitol Police, Director's Office, Fire Safety, Missouri Gaming Commission, Missouri Highway Patrol, Missouri National Guard, Missouri Veterans Commission and the State Emergency Management Agency, the Missouri Department of Agriculture, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri Department of Transportation, the Office of the State Public Defender, the Office of the Governor, the Office of the State Auditor, the Office of the State Treasurer, the Missouri House of Representatives, the Missouri Senate, the Missouri Lottery Commission, the Missouri Consolidated Health Care Plan, the Office of Administration, Commissioner's Office and Division of Budget and Planning, the City of Hughesville, the City of Kansas City, the City of Springfield, the Newton County Health Department, the Phelps County Sheriff's Office, the Kansas City Police Department, Missouri State University and St. Charles Community College** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

#### Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain

amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Office of the Lieutenant Governor** did not respond to **Oversight's** request for a statement of fiscal impact.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, various county officials, county health departments, police and sheriffs' departments, school districts, charter schools, hospitals and colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

| <u>FISCAL IMPACT –</u><br><u>State Government</u>   | FY 2023                   | FY 2024                   | FY 2025                   |
|---|---------------------------|---------------------------|---------------------------|
| <b>GENERAL<br/>REVENUE FUND</b>   |                           |                           |                           |
| <u>Savings – DSS</u><br><u>(§188.325) – p.3</u><br>Reduction of A2A<br>services program<br>costs          | \$2,033,561               | \$2,033,561               | \$2,033,561               |
| <u>Savings – DSS</u><br><u>(§188.335) – p. 3</u><br>Reduction of A2A<br>Public Awareness<br>program costs | \$75,000                  | \$75,000                  | \$75,000                  |
| <b>ESTIMATED NET<br/>EFFECT ON THE<br/>GENERAL<br/>REVENUE FUND</b>                                       | <b><u>\$2,108,561</u></b> | <b><u>\$2,108,561</u></b> | <b><u>\$2,108,561</u></b> |
|   |                           |                           |                           |
|   |                           |                           |                           |
| <u>FISCAL IMPACT –</u><br><u>State Government</u><br>(continued)  | FY 2023                   | FY 2024                   | FY 2025                   |
|   |                           |                           |                           |
| <b>FEDERAL FUNDS</b>  |                           |                           |                           |
| <u>Savings – DSS</u><br><u>(§188.325) – p. 3</u><br>Reduction in A2A<br>services program<br>costs         | \$4,350,000               | \$4,350,000               | \$4,350,000               |
| <u>Loss – DSS</u><br><u>(§188.325) – p. 3</u><br>Reduction in program<br>funds received                   | <u>(\$4,350,000)</u>      | <u>(\$4,350,000)</u>      | <u>(\$4,350,000)</u>      |

|  |                   |                   |                   |
|--|-------------------|-------------------|-------------------|
| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b> | <u><b>\$0</b></u> | <u><b>\$0</b></u> | <u><b>\$0</b></u> |
|--|-------------------|-------------------|-------------------|

| <u>FISCAL IMPACT – Local Government</u>                  | FY 2023                      | FY 2024                      | FY 2025                      |
|--|------------------------------|------------------------------|------------------------------|
| <b>SCHOOL DISTRICTS</b>                                  |                              |                              |                              |
| <u>Income – School Districts (\$170.015 p. 4 &amp; 5</u> |                              |                              |                              |
| Fine income  | <u>\$0 to Unknown</u>        | <u>\$0 to Unknown</u>        | <u>\$0 to Unknown</u>        |
| <b>ESTIMATED NET EFFECT ON SCHOOL DISTRICTS</b>          | <u><b>\$0 to Unknown</b></u> | <u><b>\$0 to Unknown</b></u> | <u><b>\$0 to Unknown</b></u> |

FISCAL IMPACT – Small Business

Small businesses operating Alternatives to Abortion programs could lose some funding

FISCAL DESCRIPTION

This act repeals provisions of law relating to the performance and regulation of abortions and establishes the "Abolition of Abortion in Missouri Act". This act adds a definition of "person" to the criminal code to include a human being from the moment of conception. Additionally, this act grants the Attorney General and prosecuting and circuit attorneys the authority to enforce certain provisions of the criminal code relating to offenses against the person, including murder and manslaughter, as they relate to abortion, regardless of any contrary federal act, law, treaty, decision, order, rule, or regulation. Any court decision that has the effect of enjoining the state from these actions shall be treated as nonauthoritative, void, and of no force and no state government agency or official and no law enforcement agency or officer shall assist or cooperate in any way with the enforcement of such court orders. A woman upon whom an abortion was performed or induced or intended to be performed or induced shall not be held criminally responsible for the death or attempted death of her unborn child if the woman has been coerced or suffers from a mental disease or defect.



Currently, public school districts and charter schools must notify parents of the basic content of their human sexuality course materials. This act requires parents to be notified of course materials and instruction on sexually transmitted diseases and requires school districts to receive consent in writing from a parent or legal guardian before a student is provided any course material or instruction. Violation of this provision shall be a class C misdemeanor. Additionally, in any legal proceeding related to a violation of the act, no entity directly or indirectly receiving any taxpayer funds shall provide any legal advice, counsel, or representation to any person or entity alleged to have violated this provision.

Additionally, information communicated to an employee of an alternatives to abortion agency relating to and in connection with an individual who has presented themselves to the agency for the purpose of seeking an alternative to an abortion shall not be voluntarily disclosed, except with the permission of the individual or with other employees of the agency for purposes of providing services to the individual. Such employees shall also be considered incompetent to testify in a legal proceeding with respect to those privileged communications.

In current law, the affirmative defense of duress is not available for defendants accused of murder. This act makes that defense available in cases of murder by abortion. Additionally, this act modifies the affirmative defense of justification to make Class A felonies and murder offenses justifiable and not criminal when necessary as an emergency measure to avoid imminent public or private injury in a situation that developed through no fault of the actor and which is of such gravity that the desirability of avoiding the injury outweighs the penalty for the offense. This act also modifies the defense of reasonable belief that certain conduct does not constitute an offense by making unreasonable any reliance based upon an official statement permitting the unjustified homicide of an unborn child.

In any investigation or proceeding to enforce the provisions of this act, a court may order that a witness shall not be excused from giving testimony or producing evidence on the grounds that such testimony or evidence may incriminate the witness, but such witness shall not be prosecuted or subjected to penalties on account of such testimony or evidence.

This act has 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

Attorney General's Office  
Department of Commerce and Insurance  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Higher Education and Workforce Development

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Department of Health and Senior Services

Department of Mental Health

Department of Natural Resources

Department of Corrections

Department of Labor and Industrial Relations

Department of Revenue

Department of Public Safety –

    Division of Alcohol and Tobacco Control

    Capitol Police

    Director’s Office

    Division of Fire Safety

    Missouri Highway Patrol

    Missouri Gaming Commission

    Missouri National Guard

    Missouri Veterans Commission

    State Emergency Management Agency

Department of Social Services

Missouri Department of Agriculture

Missouri Department of Conservation

Missouri Ethics Commission

Missouri Department of Transportation

Office of the Secretary of State

Office of the State Public Defender

City of Hughesville

City of Kansas City

City of Springfield

Newton County Health Department

Phelps County Sheriff’s Office

Kansas City Police Department

Missouri State University

University of Central Missouri

St. Charles Community College

Office of the Governor

Office of the State Auditor

Office of the State Treasurer

Missouri House of Representatives

Joint Committee on Administrative Rules

Missouri Senate

Missouri Lottery Commission

Missouri Consolidated Health Care Plan

Office of the State Courts Administrator

Missouri Office of Prosecution Services

Office of Administration –

HWC:LR:OD

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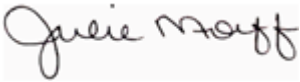
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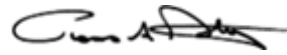
Commissioner's Office  
Budget and Planning

NOT RESPONDING

Office of the Lieutenant Governor



Julie Morff  
Director  
April 4, 2022



Ross Strobe  
Assistant Director  
April 4, 2022