

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5759S.01I
 Bill No.: SB 1178
 Subject: Abortion; Crimes and Punishment; Drugs and Controlled Substances; Health Care Professionals; Medical Procedures and Personnel; Pharmacy
 Type: Original
 Date: March 22, 2022

Bill Summary: This proposal modifies provisions relating to abortion, including the importation and distribution of drugs used to perform or induce abortions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Board of Pharmacy (0637)	\$0 or (\$61,876)	\$0 or (\$62,723)	\$0 or (\$65,196)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or (\$61,876)	\$0 or (\$62,723)	\$0 or (\$65,196)

Numbers within parentheses: () indicate costs or losses.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Board of Pharmacy	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE
Total Estimated Net Effect on FTE	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§188.090, 338.270, and 338.337 – Provisions relating to abortion and drugs to perform/induce an abortion

Officials from the **Department of Commerce and Insurance (DCI)** state §338.270 requires the Board of Pharmacy to audit compliance of 4,000+ entities. Therefore, the Board of Pharmacy is requesting 1 Customer Service Representative FTE (\$30,700 annually).

Oversight does not have any information to the contrary; however, Oversight is unsure if an FTE would be required by the Board of Pharmacy to implement the provisions of this bill. Therefore, Oversight will reflect the potential fiscal impact to the Board of Pharmacy Fund as either \$0 or the amount estimated by the DCI for this proposal.

Officials from the **Department of Health and Senior Services**, the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Public Defender**, the **Office of the State Courts Administrator**, the **Kansas City Health Department**, the **Newton County Health Department** and the **St. Louis County Health Department** 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.

Oversight contacted **Department of Corrections (DOC)** officials regarding their “No Impact” fiscal note response as provisions in §188.090 provide that the offense of trafficking abortion-inducing devices or drugs is a class B felony and a class A felony in identified circumstances. DOC officials stated the department has no data to show any convictions have occurred in Missouri relating to these sections and, therefore, they deemed it reasonable to assume that this legislation would have no impact on DOC.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

Officials from the **Attorney General’s Office** 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 local public health agencies 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 – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
BOARD OF PHARMACY FUND			
<u>Costs – DCI (\$338,270)</u>	\$0 or...	\$0 or...	\$0 or...
Personal service	(\$25,583)	(\$32,388)	(\$34,170)
Fringe benefits	(\$20,906)	(\$25,654)	(\$26,251)
Equipment and expense	(\$15,387)	(\$4,681)	(\$4,775)
<u>Total Costs – DCI</u>	<u>(\$61,876)</u>	<u>(\$62,723)</u>	<u>(\$65,196)</u>
FTE Change – DCI	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON THE BOARD OF PHARMACY FUND	<u>\$0 or (\$61,876)</u>	<u>\$0 or (\$62,723)</u>	<u>\$0 or (\$65,196)</u>
Estimated Net Effect on the Board of Pharmacy Fund	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<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

Under this act, a person or entity commits the offense of trafficking abortion-inducing devices or drugs if such person or entity knowingly imports, exports, distributes, delivers, manufactures, produces, prescribes, administers, or dispenses, or attempts to do so, any instrument, device, medicine, drug, or other means or substance to be used to perform or induce an abortion on another person in violation of state or federal law. The offense is a Class B felony, but is a Class A felony when: (1) the abortion was performed or induced, or attempted, on a woman carrying an unborn child of more than ten weeks gestational age; (2) the abortion was performed or induced, or attempted, on a woman who has an ectopic pregnancy; (3) the abortion was performed and induced, or attempted, on a woman who is a victim of sex trafficking; (4) the quantity involved is sufficient for performing or inducing abortions on three or more women; (5)

it is the second or subsequent offense of trafficking abortion-inducing devices or drugs; or (6) the location of the offense is within 2,000 feet of a school; in or on public housing; within a motor vehicle; or in a motel, hotel, or other similar lodging.

Additionally, this act prohibits the Board of Pharmacy from issuing or renewing a non-resident pharmacy license if the applicant or licensee delivers directly to a patient in this state any instrument, device, medicine, drug, or other means or substance to be used to perform or induce an abortion.

Finally, it shall be unlawful for a licensed or registered out-of-state wholesale distributor, out-of-state pharmacy acting as a distributor, drug outsourcer, or third-party logistics provider to deliver directly to a patient in this state any instrument, device, medicine, drug, or other means or substance to be used to perform or induce an abortion. The penalty for a violation of this provision is the same as other unlawful acts of such entities and is a Class D felony.

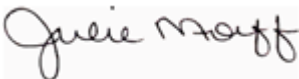
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance
Department of Health and Senior Services
Department of Corrections
Department of Public Safety - Missouri Highway Patrol
Office of the State Public Defender
Office of the State Courts Administrator
Kansas City Health Department
Newton County Health Department
St. Louis County Health Department
Missouri Office of Prosecution Services

NOT RESPONDING

Attorney General's Office



Julie Morff
Director
March 22, 2022



Ross Strobe
Assistant Director
March 22, 2022