

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0885S.02I
Bill No.: SB 169
Subject: Employees - Employers; Health Care; Medical Procedures and Personnel;
Education, Elementary and Secondary; Political Subdivisions; Workers'
Compensation
Type: Original
Date: April 3, 2023

Bill Summary: This proposal modifies provisions relating to refusal of medical procedures or treatment.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Federal Funds*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight notes the above expenses represents a potential loss of CMS funding for the Department of Mental Health and could exceed \$250,000 in a given year.

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- 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 2024	FY 2025	FY 2026
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Mental Health (DMH)** note:

This proposal adds sections 191.230 and 292.648 prohibiting a public body and employers in the state from requiring individuals to receive a COVID-19 vaccination. CMS expects all facilities' staff to have received vaccination unless exempted as required by law. Facility staff vaccination rates under 100% constitute non-compliance (CMS guidance QSO-23-02-ALL). CMS rule currently allows for exemption in certain circumstances. However, in the event that CMS removes exemption option for vaccination, this requirement may put some Department of Mental Health (DMH) facilities and agencies at odds with federal requirements for licensure and/or CMS funding.

This will have an unknown impact on DMH.

Due to the uncertainty surrounding a federal vaccination mandate, DMH cannot calculate a fiscal impact on the Department at this stage; therefore, the fiscal impact to the Department is unknown at this time.

Oversight notes that DMH assumes the proposal could have a potential unknown impact of a loss of federal funding (CMS compliance requirement) due to the uncertainty which facilities are excluded, or not, under this specific proposal. **Oversight** does not have any information to the contrary. Therefore, **Oversight** will reflect a range from zero (the statute is sufficient to exclude all facilities dependent on federal funding) or negative Unknown (statue is not sufficient to exclude all long term facility dependent on federal funding) impact in the fiscal note.

Officials from the **University of Central Missouri (UCM)** note there could be an indeterminate impact to the organization. **Oversight** notes UCM is provided with core funding to handle a certain amount of activity each year. Oversight assumes UCM could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, UCM could request funding through the appropriation process. Therefore, for purpose of this fiscal note, Oversight will reflect a zero impact in the fiscal note for UCM.

Officials from the **City of Kansas City** and **City of Springfield** 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 cities.

Officials from the **Attorney General's Office**, the **Office of Administration – AHC**, the **Office of Administration – Budget & Planning**, 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 Health and Senior Services, the Department of Natural Resources, Department of Corrections, the Department of Labor and Industrial Relations, the Department of Revenue, the Department of Public Safety – (the Alcohol and Tobacco Control, the Capital Police, the Fire Safety, the Director’s Office, the Gaming Commission, National Guard, the Highway Patrol, the 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 MoDOT & Patrol Employees’ Retirement System, the Office of Administration, the Petroleum Storage Tank Insurance Fund, the Office of the State Public Defender, the Office of the Governor, the Office of the Lieutenant Governor, the Office of the State Auditor, the Office of the State Treasurer, the House of Representatives, the Missouri Senate, the Joint Committee on Administrative Rules, the Joint Committee on Public Employee Retirement, the Missouri Lottery, Missouri Health Care Consolidated Plan, Missouri State Employee's Retirement System, the Office of the State Courts Administrator, the State Tax Commission, the City of Springfield, and the University of Central each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Department of Public Safety – Missouri Highway Patrol** defer to the MoDOT for the potential fiscal impact of this proposal.

Officials from the above organizations assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these organizations.

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)** note 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.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
FEDERAL FUNDS			
<u>Potential Loss of Federal Funds for DMH</u>	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT TO FEDERAL FUNDS	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT – Small Business

Small businesses could be impacted by this proposal due to the compliance requirements.

FISCAL DESCRIPTION

Under this act, no public body, political subdivision, public school district, state department or agency, public official, peace officer, or person appointed by the Governor acting in an official capacity shall: (1) require any person to receive a COVID-19 vaccination; (2) condition any personal right or public service on a COVID-19 vaccination; or (3) impose any fine, tax, or criminal or civil penalty on a COVID-19 vaccination.

Additionally, an employee shall be exempt from an employer's requirement to receive medical treatment as a condition of employment and shall not be subject to adverse employment action for declining to receive the treatment if: (1) the employee holds a sincerely held religious belief that forbids the employee from receiving the treatment and the reasonable accommodation of such belief would not pose an undue hardship on the employer; or (2) the vaccine is contraindicated for the employee according to a licensed physician. An employee whose rights under this provision have been violated shall be eligible for workers' compensation for any injuries sustained as a result of the employer's requirement for medical treatment.

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
 Office of Administration – AHC
 Office of Administration – Budget & Planning
 Department of Commerce and Insurance

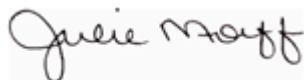
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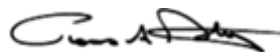
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Department of Economic Development
Department of Elementary and Secondary Education
Higher Education and Workforce Development
Department of Mental Health
Department of Health and Senior Services
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public
Missouri Department of Agriculture
Missouri Department of Conservation
Ethic Commission
Missouri Department of Transportation
MoDOT & Patrol Employees' Retirement System
Office of Administration
Petroleum Storage Tank Insurance Fund
Office of the State Public Defender
Office of the Governor
Office of the State Auditor
Office of the State Treasurer
House of Representatives
Missouri Senate
Missouri Health Care Consolidated Plan
Missouri State Employee's Retirement System
Office of the State Courts Administrator
State Tax Commission
City of Springfield
City of Kansas City
Missouri Central University



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April 3, 2023



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