

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1369S.01I  
Bill No.: SB 491  
Subject: Abortion; Crimes and Punishment; Drugs and Controlled Substances; Health Care Professionals; Medical Procedures and Personnel; Pharmacy  
Type: Original  
Date: May 1, 2023

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

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\* DOC notes this proposal may result in an increase in future criminal convictions for the offense of trafficking abortion-inducing drugs. Oversight assumes if there is an impact, the impact will be less than \$250,000 annually.

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

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</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 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§188.090 – Trafficking of abortion-inducing drugs a class B felony

Officials from the **Department of Corrections (DOC)** state that in the past the department has responded to abortion related offense legislation with a “no impact” statement given a lack of historical data related to abortion offenses. However, given the recent Dobbs v Jackson decision, the potential of future criminal convictions is greater. Therefore, the DOC is estimating a \$0 to Unknown cost.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a \$0 to negative unknown fiscal impact to the General Revenue Fund for this proposal. Oversight assumes, if this proposal has an impact, the unknown fiscal impact will be less than \$250,000 annually.

Officials from the **Office of the State Public Defender (SPD)** state the creation of a new offenses under §§188.090 will have an unknown fiscal impact on SPD. The creation of these law violations will result in an unknown number of additional cases eligible for SPD representation.

**Oversight** notes in FY22 the SPD was appropriated moneys for 53 additional FTE. Oversight assumes this proposal will create a minimal number of new cases and that the SPD can absorb the additional caseload required by this proposal with current staff and resources. Therefore, Oversight will reflect no fiscal impact to the SPD for fiscal note purposes. However, if multiple bills pass which require additional staffing and duties, the SPD may request funding through the appropriation process.

#### §§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 the DCI believes the costs of this bill can be absorbed within its current appropriations. However, should the cost be more than anticipated, the department would request an increase to its FTE and/or appropriations as appropriate through the budget process.

**Oversight** does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for this agency.

Bill as a whole

Officials from the **Attorney General’s Office**, the **Department of Health and Senior Services**, the **Department of Public Safety, Missouri Highway Patrol**, the **Missouri Office of Prosecution Services**, the **Kansas City Health Department**, the **Newton County Health Department** and the **Office of the State Courts Administrator** 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.

In response to similar legislation from the current session (HB 163), officials from the **Department of Social Services** assumed the proposal would have no fiscal impact on their organization. As **Oversight** does not have any information to the contrary, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to similar legislation from the current session (HB 163), officials from the **Missouri Office of Prosecution Services (MOPS)** assumed the proposal would 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. As **Oversight** does not have any information to the contrary, Oversight will reflect a zero impact in the fiscal note for this agency.

**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 2024 (10 Mo.)	FY 2025	FY 2026
<b>GENERAL REVENUE FUND</b>			
<u>Costs – DOC (\$188.090) – Increase in incarceration/parole costs</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

<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

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 drugs if such person or entity knowingly imports, exports, distributes, delivers, manufactures, produces, prescribes, administers, or dispenses, or attempts to do so, any medicine, drug, or other means or substance to be used to induce an abortion on another person in violation of state or federal law. The offense is a Class B felony. A woman upon whom an abortion is induced, or attempted, in violation of this act shall not be prosecuted for: (1) violating any provision of this act; (2) a conspiracy to violate any provision of this act; or (3) being criminally responsible for the conduct of another person who, or entity that, violated any of the provisions of this act. (§188.090)

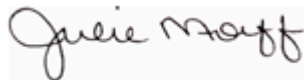
Additionally, this act prohibits the Board of Pharmacy from issuing or renewing a non-resident pharmacy license if the applicant or licensee knowingly delivers directly to a patient in this state any medicine, drug, or other means or substance to be used to induce an abortion. (§338.270)

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 knowingly deliver directly to a patient in this state any medicine, drug, or other means or substance to be used to 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. (§338.337)

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 Health and Senior Services  
Department of Corrections  
Department of Public Safety –  
    Missouri Highway Patrol  
Department of Social Services  
Office of the State Public Defender  
Missouri Office of Prosecution Services  
Kansas City Health Department  
Newton County Health Department  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator



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