

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3264-01
Bill No.: SB 1119
Subject: Abortion; Drugs and Controlled Substances; Employees - Employers; Health Care; Health Care Professionals; Medical Procedures and Personnel; Pharmacy
Type: Original
Date: March 9, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator , Department of Economic Development - Division of Professional Registration, Department of Labor and Industrial Relations, Missouri Consolidated Health Care Plan, Department of Insurance, Department of Public Safety - Missouri State Highway Patrol, Office of State Public Defender, and Southwest Missouri State University** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Department of Health and Senior Services (DOH)** state the proposal would not be expected to fiscally impact the operations of the DOH. If a fiscal impact were to result, funds to support the program would be sought through the appropriations process.

Officials from the **Department of Social Services (DOS) - Division of Medical Services (DMS)** state the proposal protects the conscience rights of pharmaceutical professionals. No pharmaceutical professional shall be required to perform, assist, recommend, refer for or participate in any service connected with a drug or device, that in good faith, the pharmaceutical professional believes may contribute to the death of a human being by abortion. Under these

ASSUMPTION (continued)

circumstances, the pharmaceutical professional shall not be liable in civil or criminal court and are exempt from having their license revoked or suspended. An employer cannot refuse to hire, discharge, or discriminate a pharmaceutical professional based on this belief.

The DMH assumes Medicaid's current program limitations relating to abortions will apply to the pharmaceutical professionals. In accordance with Public Law 105-78 (1997), relating to abortions, Medicaid payment is only available for abortions performed when the life of the mother would be endangered if the fetus were carried to term or that the pregnancy is the result of an act of rape or incest. Therefore, the DMS assumes no fiscal impact as a result of this proposal.

Officials from the **Office of Prosecution Services** assume any costs associated with this proposal to be absorbable within current funding/staffing levels.

Officials from the **University of Missouri Health Care System** state the financial impact of this proposal on its operations cannot be determined at the present time.

Oversight assumes, based on other agencies responses, the proposal would have a limited fiscal impact on the operations of the University of Missouri Health Care System.

Officials from the **Cooper County Memorial Hospital, Pemiscott Hospital, Harris-Stowe College, Missouri Southern State College, Northwest Missouri State University** and **Southeast Missouri State University** did not respond to our request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small business pharmacies may be impacted by this proposal.

DESCRIPTION

This proposal protects the conscience rights of pharmaceutical professionals. A new Section 338.603 provides that pharmaceutical professionals shall not be required to perform, assist, recommend, refer for, or participate in any service involving a particular drug or device that they have a good faith belief is used for abortions. In these instances, the pharmaceutical professional shall be immune from civil or criminal liability and will not have their license suspended or revoked.

Employers cannot refuse to hire, discriminate against, segregate, or terminate a pharmaceutical professional because of their opposition to any service involving a particular drug or device that they have a good faith belief is used for abortions. Colleges and teaching hospitals are also prohibited from discriminating against any person who refuses to participate in any service or training which involves a particular drug that they have a good faith belief is used for abortions. In addition, they are prohibited from requiring a student or teacher to pay fees to fund these activities.

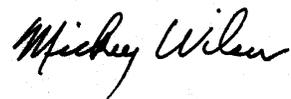
A party injured by any of the acts described in Sections 338.603 to 338.606 can institute a civil action to recover treble damages, court costs, and reasonable attorney's fees.

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
Office of State Courts Administrator
Department of Economic Development -
 Division of Professional Registration
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Social Services
Missouri Consolidated Health Care Plan
Department of Insurance
Department of Public Safety -
 Missouri State Highway Patrol
Office of Prosecution Services
Office of State Public Defender
Southwest Missouri State University
University of Missouri

**NOT RESPONDING: Cooper County Memorial Hospital, Pemiscott Hospital, Harris -
Stowe College, Missouri Southern State College, Northwest Missouri State University, and
Southeast Missouri State University**



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Director

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