

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0038S.02I
 Bill No.: SB 391
 Subject: Abortion; Attorney General; Courts; Crimes and Punishment; Health Care
 Professionals; Physicians
 Type: Original
 Date: March 2, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue *	\$2,108,561	\$2,108,561	\$2,108,561
Total Estimated Net Effect on General Revenue	\$2,108,561	\$2,108,561	\$2,108,561

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

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 2022	FY 2023	FY 2024
Federal*	\$0	\$0	\$0
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

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 21, \$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 21, \$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:

Alliance for Life	\$2,150,142
Catholic Charities of Southern Missouri	\$435,145
Faith Maternity Care	\$184,772
The Haven of Grace	\$463,799
Laclede County Pregnancy Support Center	\$397,771
The LIGHT House	\$296,016
Lutheran Family & Children’s Services	\$1,581,521
Mother’s Refuge	\$296,016
Nurses for Newborns	<u>\$463,799</u>
TOTAL	\$6,271,981

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 2022. (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 FY22 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 (OPS)** 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 **City of Mansfield** indicated this proposal would have an impact on their city. **Oversight** notes there was no additional information provided and assumes any impact would be absorbable within current funding levels.

Officials from the **Springfield R-XII School District** indicated this proposal would have an impact on their School District. **Oversight** notes there was no additional information provided and assumes any impact would be 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 Corrections**, the **Department of Labor and Industrial Relations**, the

Missouri Department of Agriculture, the Department of Natural Resources, 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 Conservation, the Missouri Ethics Commission, the Missouri House of Representatives, the Office of the Governor, the Missouri Lottery Commission, the Missouri Consolidated Health Care Plan, the Missouri Department of Transportation, the Office of Administration, Commissioner's Office and Division of Budget and Planning, the Office of the State Auditor, the Missouri Senate, the Office of the State Courts Administrator, the Office of the State Public Defender, the Office of the State Treasurer, the City of Bland, the City of Corder, the City of Kansas City, the City of O'Fallon, the City of Southwest City, the City of Springfield, the Columbia/Boone County Department of Public Health and Human Services, the Newton County Health Department, the St. Louis County Health Department, the Clay County Sheriff's Office, the Crestwood Police Department, the Kansas City Police Department, the Kimberling City Police Department, the High Point R-III School District, the Hermann Area Hospital District, Missouri State University, Northwest Missouri State University, State Technical College of Missouri, and the University of Central Missouri 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** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office 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 Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize 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 our office can sustain with our core budget. Therefore, they reserve 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.

Oversight only reflects the responses that we have 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 general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2022	FY 2023	FY 2024
GENERAL REVENUE FUND			
<u>Savings – DSS</u> <u>(§188.325) –</u> Reduction of A2A services program costs	\$2,033,561	\$2,033,561	\$2,033,561
<u>Savings – DSS</u> <u>(§188.335) –</u> Reduction of A2A Public Awareness program costs	<u>\$75,000</u>	<u>\$75,000</u>	<u>\$75,000</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$2,108,561</u>	<u>\$2,108,561</u>	<u>\$2,108,561</u>
FEDERAL FUNDS			
<u>Savings – DSS</u> <u>(§188.325) –</u> Reduction in A2A services program costs	\$4,350,000	\$4,350,000	\$4,350,000
<u>Loss – DSS</u> <u>(§188.325) –</u> Reduction in program funds received	<u>(\$4,350,000)</u>	<u>(\$4,350,000)</u>	<u>(\$4,350,000)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT –</u> <u>Local Government</u>	FY 2022	FY 2023	FY 2024
	<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

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. (§§188.325 and 188.335)

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
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
Office of the Governor
Joint Committee on Administrative Rules
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Lottery Commission
Missouri Consolidated Health Care Plan
Missouri Department of Transportation
Missouri House of Representatives
Missouri Office of Prosecution Services
Missouri Senate
Office of Administration –
 Commissioner's Office
 Budget and Planning
Office of the State Courts Administrator
Office of the State Auditor
Office of the Secretary of State

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Office of the State Treasurer

Office of the State Public Defender

City of Bland

City of Corder

City of Kansas City

City of Mansfield

City of O'Fallon

City of Southwest City

City of Springfield

Columbia/Boone County Department of Public Health and Human Services

Newton County Health Department

St. Louis County Health Department

Clay County Sheriff's Office

Crestwood Police Department

Kansas City Police Department

Kimberling City Police Department

High Point R-III School District

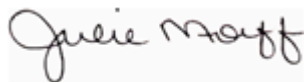
Springfield R-XII School District

Hermann Area District Hospital

Missouri State University

State Technical College of Missouri

University of Central Missouri



Julie Morff

Director

March 2, 2021



Ross Strope

Assistant Director

March 2, 2021