

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3584S.01I
Bill No.: SB 737
Subject: Abortion; Children and Minors; Crimes and Punishment; Funerals and Funeral
Directors; Health Care Professionals; Hospitals; Medical Procedures and
Personnel
Type: Original
Date: January 18, 2022

Bill Summary: This proposal modifies provisions relating to abortion.

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
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 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
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 2023	FY 2024	FY 2025
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§188.027, 188.036, 188.047, 188.049, and 188.165 – Safeguarding All Children’s Remains to Ensure Dignity Act (SACRED Act)

Officials from the **Department of Health and Senior Services (DHSS)** state §188.027.1(9) adds language to require the physician who is to perform or induce the abortion or a qualified professional to present the woman, in person, with printed materials developed and provided by the DHSS or the state board of embalmers or funeral directors explaining that she has the right to determine the final disposition of the fetus as provided in §194.378. In addition, the physician or the qualified professional shall notify her that the cost of final disposition shall be included in the payment for the abortion, and that there shall be no difference in cost based on her choice of final disposition.

Section 188.027.10, RSMo, already requires the DHSS to produce the written materials and forms described in §188.027, RSMo. The DHSS assumes that subsection 10 would therefore allow the DHSS to include the new materials contained within §188.027.1(9) within the informed consent booklet already required by law, and that DHSS would revise the "Informed Consent" booklet. The revision of the materials in English would take approximately 40 hours of staff time by a Public Health Program Supervisor (\$58,689 average annual salary in the Division of Community and Public Health as of January 1, 2021). This would amount to a staff time cost of \$1,128 (\$28.21 hourly salary x 40, rounded down).

Revising the materials in Spanish would require an external translator. The rate for translation is per word. It would require approximately 300 words per document. 600 words x \$.20/word=\$120

The "Informed Consent" booklet and checklist would need to be reprinted to reflect these changes. However, this would not have a fiscal impact because the Department of Social Services (DSS) provides the funds to re-print the booklets and checklist.

Section 188.049.8 establishes the Safeguarding All Children’s Remains to Ensure Dignity Act (SACRED Act). It requires the DHSS, in cooperation with the state Board of Embalmers and Funeral Directors, to adopt rules, regulations, and standards governing the provisions of the proposed legislation.

It is assumed it will take two (2) Regulatory Compliance Managers (average salary \$68,802) approximately 40 hours each to make changes to multiple programmatic state rules, policies and procedures. Based on 2,080 working hours per year, this would require 0.02 FTE each to assume these duties (40 hours ÷ 2,080 hours per year = 0.02 each) for a total personal service cost of \$2,752 (\$68,802 X 0.02 X 2).

Medical record reviews are within the normal ebb and flow of work scope during an inspection for the DHSS, so no extra survey time will be required to conduct the requirements of the proposed legislation.

The DHSS anticipates being able to absorb these costs. However, until the FY 2023 budget is final, the department cannot identify specific funding sources.

Oversight does not have any information to the contrary. Oversight assumes the DHSS has sufficient staff and resources to absorb the minimal additional duties required by this proposal. Therefore, Oversight will reflect no fiscal impact for this agency for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** state there is no measurable fiscal impact to MOPS. The enactment of new crimes [188.036.8 and 188.165] creates additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine.

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

Officials from the **Department of Corrections (DOC)** state the department has no data to show any convictions have occurred in Missouri relating to these sections. Therefore, it is reasonable to assume that this legislation will have no impact on DOC.

Officials from the **Attorney General's Office**, the **Department of Commerce and Insurance**, the **Department of Public Safety, Missouri Highway Patrol**, the **Department of Social Services**, the **Office of the State Public Defender** 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.

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 2023 (10 Mo.)	FY 2024	FY 2025
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<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.

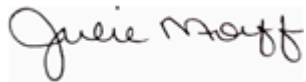
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Secretary of State
Office of the State Public Defender
Joint Committee on Administrative Rules
Missouri Office of Prosecution Services
Office of the State Courts Administrator



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January 18, 2022



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