

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4044-04  
Bill No.: HCS for HB 1136  
Subject: Abortion; Cemeteries; Health Department  
Type: Original  
Date: March 11, 2004

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Social Services**, the **Office of Administration - Administrative Hearing Committee**, the **Office of State Courts Administrator**, the **Office of Prosecution Services**, the **State Public Defender**, the **Department of Economic Development - Division of Professional Registration**, and the **Department of Health and Senior Services** assume this proposal would not fiscally impact their agencies.

Officials from **Barton County Memorial Hospital** stated costs would be minimal. **Oversight** assumes the costs to other county hospitals would be minimal.

Officials from the **Secretary of State Office (SOS)** state this proposal creates the Disposition of Fetal Remains Act. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Health and Senior Services could require as many as 6 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the *Missouri Register* is \$23. The estimated cost of a page in the Code is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and ASSUMPTION (continued)

depends upon the frequency and length of rules filed, amended, rescinded or withdrawn. The SOS estimates the cost for FY 05 only to be \$369.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

#### FISCAL IMPACT - Small Business

Small businesses which are health care facilities would be affected by this proposal.

#### DESCRIPTION

This proposal establishes the Disposition of Fetal Remains Act. The proposal:

- (1) Requires that the mother of a dead human fetus determine the final disposition of the remains of the fetus in every instance of fetal death. The mother is allowed to choose any means of final disposition authorized by law or by the Director of the Department of Health and Senior Services;
- (2) Authorizes the final disposition of human fetal remains by cremation, burial, incineration in an approved medical waste incinerator, or other means approved by the director. The disposition must be consistent with state law or administrative rules. If the disposition occurs by incineration, the remains must be incinerated separately from medical waste;
- (3) Does not require a religious service or ceremony to be held;

#### DESCRIPTION (continued)

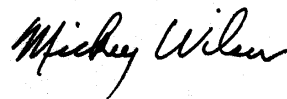
- (4) Requires licensed hospitals and other licensed health care facilities to adopt written standards for the disposition of human fetal remains. Licensed health care facilities are required to provide the mother a copy of their written standards;
- (5) Requires licensed hospitals or other licensed health care facilities to notify the mother within a 24-hour period of her right to determine the final disposition and the methods of final disposition of the fetal remains. The 24-hour notification is required if a miscarriage occurs at the facility; and
- (6) Requires the licensed health care facility to provide on-site counseling services to the mother or refer the mother to an appropriate provider of counseling services concerning the death of the fetus.

The proposal does not prohibit a woman's ability to obtain a legal abortion.

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 Administration -  
Administrative Hearing Committee  
Office of State Courts Administrator  
Department of Health and Senior Services  
Department of Social Services  
Secretary of State  
Barton County Memorial Hospital  
Department of Economic Development -  
Division of Professional Registration  
Office of Prosecution Services  
State Public Defender



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March 11, 2004