

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1824-02  
Bill No.: HCS for HB 716  
Subject: Education, Elementary and Secondary; Abortion; Health Care; Health Care  
Professional; Physicians  
Type: Original  
Date: April 12, 2007

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Bill Summary: Requires course materials and instruction relating to human sexuality and sexually transmitted diseases to be presented in a manner consistent with the federal abstinence education law; establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue	(Less than \$130,306)	(Less than \$136,797)	(Less than \$137,901)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Less than \$130,306)</b>	<b>(Less than \$136,797)</b>	<b>(Less than \$137,901)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<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. This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<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>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Labor and Industrial Relations, Department of Insurance, Finance, and Professional Regulation**, and the **Office of the Secretary of State** each assume the proposal would have no fiscal impact on their respective agencies.

Officials from **Missouri State University** and **University of Central Missouri** state this proposal will have no fiscal impact on their institutions.

In response to a similar proposal from this year (SB 375), officials from the **Metropolitan Community College, Linn State Technical College** and the **Lincoln University** each assume the proposal would have no fiscal impact on their respective institutions.

Officials from the **University of Missouri** state they were unable to determine the fiscal impact of the passage of this proposal as it is currently written.

Officials from the **Office of the Attorney General** states that the provisions of this proposal do not directly affect their office. However, AGO assumes that because this proposal has the potential to be the subject of litigation, costs are unknown, but are likely to be less than \$100,000.

**Oversight** assumes, because the potential for litigation is speculative, that the AGO will not incur significant costs related to this proposal. If a fiscal impact were to result, the AGO may request additional funding through the appropriations process.

### **§170.015**

Officials from the **Department of Elementary and Secondary Education** state this proposal will have no fiscal impact on their agency little or no impact on local school districts. There may be some printing costs associated with modification of the language; however, the modifications would not prohibit the materials from including the latest medically factual information.

Officials from the **Department of Health and Senior Services** stated there is no fiscal impact to their agency.

Officials from the **University of Missouri - St Louis** and **Central Missouri University** (charter

ASSUMPTION (continued)

school sponsors), indicated there would be no fiscal impact to their respective institutions.

Officials from the **Independence School District** stated their district would have no fiscal impact, as they are currently meeting the law.

In response to HB 63, officials from the **Maryville School District** indicated there would be a cost of up to \$5,000 associated with the required change in materials, while officials from the **Jefferson City School District** estimated a cost of \$10 per student for materials as well as minimal other costs involved with revising the curriculum.

**Oversight** assumes printing costs of the school districts would be minimal and could be absorbed with existing resources.

Officials from the **Department of Social Services - Division of Youth Services (DOS-DYS)** state that DYS will have to ensure that any "outside" presenter they may invite to talk to youth in DYS educational facilities is not affiliated with an organization that provides abortion services. There is no fiscal impact to DYS associated with this provision.

§188.075

Officials from the **Office of State Courts Administrator** state this proposal has no fiscal impact on the Courts.

Officials from the **Office of Prosecution Services (OPS)** assume this proposal would not have a significant direct fiscal impact on county prosecutors or OPS.

Officials from the **Office of Administration - Administrative Hearing Commission** and the **Department of Corrections** state this section of the proposal will have no fiscal impact on their respective agencies.

§188.325 and 188.335

Officials from the **Department of Elementary and Secondary Education (DES)** stated this proposal does not specify which agency or agencies shall administer the program. Depending upon the actions of the general assembly, this legislation may or may not impact DES. DES defer to another agency regarding the potential costs of this proposal.

ASSUMPTION (continued)

Officials from the **Department of Higher Education (DHE)** assume this legislation has no direct fiscal impact on the DHE. However, §188.325 and 188.335 of this bill would result in an unknown fiscal impact on the higher education institutions as the extent to which schools may be asked to participate is also unknown. In addition, the extent to which higher education institutions with medical faculty and/or facilities would be utilized in relation to provisions set forth in this legislation is also unknown. If the intention of §170.015 is to include higher education institutions, there could be an impact on the institutions in determining the content validity of the course work and instruction offered as well as any revisions necessary to comply with this section.

**Oversight** assumes that fiscal impact to colleges and universities is speculative at this time and, for fiscal note purposes, assigns no impact.

Officials from the **Department of Social Services (DOS)** state there will be no fiscal impact to DOS for this portion of the proposal. Officials from the Division of Medical Services (DMSO) state that some of the services listed in the proposal are covered by Medicaid and some are not. DMS assumes the Department of Health and Senior Services (DOHSS) will administer the new program and will cover any services that are not currently provided by Medicaid. DSS also assumes that DOHSS would maintain the web site.

Officials from the **Department of Health and Senior Services (DOHSS)** state this proposal establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program. The proposal does not indicate which state agency or agencies would be responsible for the program. However, since DOHSS currently operates alternatives to abortion program, DOHSS assumes that it would be responsible for both the program and the public awareness program contained in this legislation.

Core staff are currently working on the Alternatives to Abortion program so no new DOHSS staff are requested. A part-time Computer Information Technical Specialist I (CIT I) would be needed in Office of Administration (OA) Information Technology Services Division (ITSD) to support the operation of the Alternatives to Abortions Internet-based data collection system and assist the contractors when program malfunctions occur. DOHSS staff will work with the CIT I to ensure the availability and reliability of program data generated for the program.

The proposal also requires DOHSS to develop the Missouri Alternatives to Abortion Public Awareness Program. As with its other media advertising, DOHSS would contract with advertising agencies to conduct the media campaign. DOHSS will develop and create as much of the campaign as possible to reduce costs. Two marketing firms were contacted regarding the

ASSUMPTION (continued)

portion of the legislation as it pertains to the advertising campaign. One firm estimated \$375,000 to \$600,000, another estimated \$545,000 to \$700,000. All firms stated that the more money spent on the campaign, the better the quality and the return on the advertising. The average of these ranges is \$460,000 to \$650,000. DOHSS calculated the media campaign costs by averaging these ranges. This provided a cost of \$555,000.

The methodology used at arriving at the state fiscal impact for brochures was calculated based upon the estimate provided by OA State Printing for 10,000 tri-fold, double-sided brochures printed on 60 lb. paper with two colors. The Department would mail the brochures to private adoption agencies, family planning clinics, abortion clinics, medical clinics, and the general public. There would be a need of approximately 50 brochures for each type resulting in a total of 50,000 brochures at .22 each (\$11,000). Postage costs were calculated estimating 1,000 mailing at \$2.50 each (\$2,500).

**Oversight** assumes the OA ITSD could absorb a one-quarter FTE.

Based on a public awareness campaign for umbilical cord blood bank donations, DHSS assumed the awareness campaign would cost \$2,800 for brochures, \$1,065 for posters, \$1,860 for postage, \$30,000 for a radio campaign, and \$225 for translation of materials into Spanish. DHSS estimated total public awareness costs to be \$30,306 in FY08, \$36,797 in FY09 and \$37,901 in FY10. **Oversight** assumes a similar public awareness campaign could be used in this proposal at the same cost.

Officials from the **Department of Mental Health (DMH)** state the services and extent of service provision to be provided by DMH for "medical and mental health care" is unclear. Therefore, the fiscal impact is "(Unknown but less than \$100,000)". Services provided for drug and alcohol testing and treatment will not result in a fiscal impact to DMH as currently existing specialized programs for women and children offer priority treatment to women who are pregnant.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>GENERAL REVENUE FUND</b>			
Costs - Department of Health and Senior Services			
Advertising Campaign (\$188.335)	<u>(\$30,306)</u>	<u>(\$36,797)</u>	<u>(\$37,901)</u>
Costs - Department of Mental Health			
Program Costs (\$188.325)	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(Less than \$130,306)</u></b>	<b><u>(Less than \$136,797)</u></b>	<b><u>(Less than \$137,901)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<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 proposal changes the laws regarding sexual education instruction in public schools and abortions:

§170.015

Public school course materials and instruction on sexuality and sexually transmitted diseases must be presented to students using medically factual information about the possible side effects of contraception or in accordance with the federal abstinence education law;

§188.015

Defines "medical emergency" as a condition which, on the basis of a physician's good-faith

DESCRIPTION (continued)

clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman;

§188.075

Changes the penalties relating to abortion by including penalties for a person who knowingly induces or aids in the inducing of an abortion. Currently, there are penalties for any person who knowingly performs or aids in the performance of any abortion. Also, provides for an affirmative medical emergency defense for violations of any abortion provision;

§188.325

Establishes the Missouri Alternatives to Abortion Services Program to provide services or counseling to pregnant women and assistance to women in caring for their children or placing them up for adoption. Counseling and services are available to a woman during her pregnancy and for one year after the birth of her child. The department or departments administering the programs may contract with public or private agencies to provide services or counseling;

§188.335

Establishes the Missouri Alternatives to Abortion Public Awareness Program which requires the department or departments administering the program to develop an advertising campaign publicizing alternatives to abortion and to prioritize federal, public, and private moneys so that they are used first to fund these programs. These programs and their funds will not be used to perform, induce, or assist in abortions;

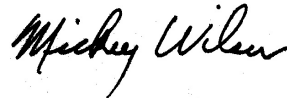
§197.200

Changes the definition of "ambulatory surgical center" to include any establishment operated for the purpose of performing or inducing any second or third trimester abortions or which performs at least five or more first trimester abortions per month.

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 the Attorney General  
Office of Administration  
    Administrative Hearing Commission  
Department of Higher Education  
Department of Elementary and Secondary Education  
Department of Insurance, Financial Institutions and Professional Registration  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Mental Health  
Department of Social Services  
Office of the Secretary of State  
Office of State Courts Administrator  
Office of Prosecution Services  
Charter School Sponsors  
    University of Central Missouri  
    University of Missouri - St Louis  
Universities and Colleges  
    University of Missouri  
    Metropolitan Community College  
    University of Central Missouri  
    Linn State Technical College  
    Missouri State University  
    Lincoln University  
School Districts  
    Jefferson City  
    Maryville  
    Independence



Mickey Wilson, CPA  
Director  
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