

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4539-01
Bill No.: HB 1333
Subject: Abortion; Health Care
Type: Original
Date: December 20, 2017

Bill Summary: This proposal prohibits abortions except in the case of a medical emergency.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services (DSS)**, **MO HealthNet Division (MHD)** state under the Federal Hyde Amendment, MO HealthNet is required to fund abortions resulting from cases of rape and incest or when the health of the mother is in danger. This legislation would only authorize MO HealthNet coverage when the health of the mother was in danger. This legislation could result in the loss of all federal Medicaid funds. In FY 18, there is over \$6.8 billion budgeted for MO HealthNet services.

To continue covering services to Medicaid participants, the State of Missouri would need an additional \$6,837,118,827 in General Revenue to account for the reduction in Federal matching funds. A 3.8% medical inflation rate was used for FY 20 and FY 21.

Officials from the **DSS, Division of Legal Services** do not anticipate a fiscal impact.

Oversight notes the provisions of this proposal only become effective on the effective date of any decision of the U.S. Supreme Court reversing the decision in *Roe v. Wade*, 410 U.S. 113 (1973) or otherwise negating any constitutional basis for abortion on demand or enactment of a federal law by the U.S. Congress prohibiting abortion on demand in the U.S. If this were to happen, Oversight assumes the Federal Hyde Amendment would no longer be applicable and DSS, MHD and the State of Missouri would not lose federal funding. Oversight assumes this proposal would have no fiscal impact.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of performing, inducing, or attempting to perform or induce an abortion - a new Class B felony.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Attorney General (AGO)** assume any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation.

ASSUMPTION (continued)

Officials from the **Office of State Courts Administrator (OSCA)** state HB 1333 may have some fiscal impact on the OSCA but there is currently no way to quantify the amount. Any significant changes will be reflected in future budget requests.

Officials from the **Department of Corrections (DOC)** state this bill repeals a class D felony in 188.030, RSMo. A search of DOC's electronic database finds no records of this statute ever used as a charge in any felony sentencing. Therefore, changes to this statute will not affect the DOC.

The proposed legislation creates a penalty of a class B felony for any abortion that is not performed because of a medical emergency - performed as an elective abortion (section 188.012).

Officials from the **Department of Health and Senior Services**, the **Department of Insurance, Financial Institutions and Professional Registration** and the **Missouri Office of Prosecution Services** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<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

Office of Attorney General
Department of Health and Senior Services
Department of Insurance, Financial Institutions and Professional Registration
Department of Corrections
Department of Social Services -
 MO HealthNet Division
 Division of Legal Services
Missouri Office of Prosecution Services
Office of State Courts Administrator
Office of State Public Defender

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