

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1115H.01I
Bill No.: HB 431
Subject: Abortion; Health Care Professionals
Type: Original
Date: January 28, 2021

Bill Summary: This proposal establishes the "Safeguarding All Children's Remains to Ensure Dignity Act".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

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
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 this bill amends §188.027 to include the physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, with printed materials developed and provided by the department 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.

Adding the above information to the informed consent booklet, will require DHSS to revise the "Informed Consent" booklet. Revising the "Informed Consent" booklet and checklist falls into the established duties of the Section for Women's Health, therefore, zero fiscal impact is expected. The DHSS would also have to re-print the "Informed Consent" booklet and checklist; however, this would not have a fiscal impact because the Department of Social Services provides the funds to re-print the booklets and checklist.

Section 188.049 establishes the Safeguarding All Children's Remains to Ensure Dignity Act (SACRED Act). It requires the DHSS, Division of Regulation and Licensure (DRL), 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) Health and Senior Services 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 DRL 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 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 has sufficient staff and resources to absorb the minimal costs associated with this proposal and will present no fiscal impact for the DHSS.

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 **Department of Commerce and Insurance (DCI)** state the DCI believes the provisions of this bill can be handled within its current appropriations, but should the cost be higher than anticipated, the department would ask for additional appropriation through the budget process.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crimes creates additional responsibilities for county prosecutors and the circuit attorney which may, in turn, result in additional costs, which are difficult to determine.

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 the DOC.

Officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Office of the State Courts Administrator** and the **Office of the State Public Defender** 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, we 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, we 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.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	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.

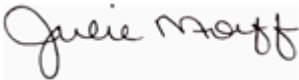
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

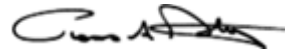
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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



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January 28, 2021



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January 28, 2021