

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5798H.04C  
Bill No.: HCS for HB 2810  
Subject: Abortion; Health Care Professionals; Pharmacy; Licenses - Miscellaneous  
Type: Original  
Date: March 24, 2022

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Bill Summary: This proposal modifies provisions relating to abortion, including the importation and distribution of drugs used to induce abortions.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Board of Pharmacy	\$0 or (\$61,876)	\$0 or (\$62,723)	\$0 or (\$65,196)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 or (\$61,876)</b>	<b>\$0 or (\$62,723)</b>	<b>\$0 or (\$65,196)</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Board of Pharmacy	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 or 1 FTE</b>	<b>0 or 1 FTE</b>	<b>0 or 1 FTE</b>

- ☐ 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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§§188.090, 338.270, and 338.337 – Provisions relating to abortion and drugs to perform/induce an abortion**

Officials from the **Department of Commerce and Insurance (DCI)** state §338.270 requires the Board of Pharmacy to audit compliance of 4,000+ entities. Therefore, the Board of Pharmacy is requesting 1 Customer Service Representative FTE (\$30,700 annually).

**Oversight** does not have any information to the contrary; however, Oversight is unsure if an FTE would be required by the Board of Pharmacy to implement the provisions of this bill. Therefore, Oversight will reflect the potential fiscal impact to the Board of Pharmacy Fund as either \$0 or the amount estimated by the DCI for this proposal.

Officials from the **Attorney General’s Office**, the **Department of Health and Senior Services**, the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Social Services**, the **Newton County Health Department**, the **St. Louis County Health Department** 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.

In response to the previous version of this proposal, **Oversight** contacted **Department of Corrections (DOC)** officials regarding their “No Impact” fiscal note response as provisions in §188.090. DOC officials stated the department has no data to show any convictions have occurred in Missouri relating to these sections and, therefore, they deemed it reasonable to assume that this legislation would have no impact on DOC.

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 crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

In response to the previous version of this proposal, officials from the **Office of the State Public Defender** and the **Kansas City Health Department** assumed the proposal would have no fiscal impact on their organizations.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other local public health agencies were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
<b>BOARD OF PHARMACY FUND (0637)</b>			
<u>Costs – DCI (\$338.270)</u>	\$0 or...	\$0 or...	\$0 or...
Personal service	(\$25,583)	(\$32,388)	(\$34,170)
Fringe benefits	(\$20,906)	(\$25,654)	(\$26,251)
Equipment and expense	(\$15,387)	(\$4,681)	(\$4,775)
<u>Total Costs – DCI</u>	<u>(\$61,876)</u>	<u>(\$62,723)</u>	<u>(\$65,196)</u>
FTE Change – DCI	1 FTE	1 FTE	1 FTE
<b>ESTIMATED NET EFFECT ON THE BOARD OF PHARMACY FUND</b>	<b><u>\$0 or (\$61,876)</u></b>	<b><u>\$0 or (\$62,723)</u></b>	<b><u>\$0 or (\$65,196)</u></b>
Estimated Net Effect on the Board of Pharmacy Fund	0 or 1 FTE	0 or 1 FTE	0 or 1 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

#### FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

#### FISCAL DESCRIPTION

Under this act, a person or entity commits the offense of trafficking abortion-inducing devices or drugs if such person or entity knowingly imports, exports, distributes, delivers, manufactures, produces, prescribes, administers, or dispenses, or attempts to do so, any instrument, device, medicine, drug, or other substance to be used to perform or induce an abortion on another person in violation of state or federal law. The offense is a Class B felony. A woman upon whom an abortion was induced or attempted to be induced in violation of these provisions shall not be prosecuted for violating any of the provisions of the section, conspiracy to violate any of the

provisions or being criminally responsible for the conduct of another person or entity which violated the provisions of the section. (§188.090)

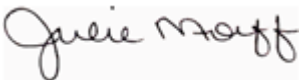
The Board of Pharmacy is prohibited from issuing or renewing a non-resident pharmacy license if the applicant or licensee knowingly delivers directly to a patient in this state any instrument, device, medicine, drug, or other means or substance to be used to perform or induce an abortion. (§338.270)

Finally, it shall be unlawful for a licensed or registered out-of-state wholesale distributor, out-of-state pharmacy acting as a distributor, drug outsourcer, or third-party logistics provider to knowingly deliver directly to a patient in this state any instrument, device, medicine, drug, or other means or substance to be used to perform or induce an abortion. (§338.337)

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 State Public Defender  
Kansas City Health Department  
Newton County Health Department  
St. Louis County Health Department  
Missouri Office of Prosecution Services  
Office of the State Courts Administrator



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