

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0799-01  
Bill No.: HB 339  
Subject: Abortion; Children and Minors  
Type: Original  
Date: February 7, 2019

---

Bill Summary: This proposal establishes the “Pain Capable Unborn Child Protection Act.”

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$6,480)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$6,480)</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
<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 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</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 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

#### §§188.027 and 188.375 - Pain Capable Unborn Child Protection Act

Officials from the **Department of Health and Senior Services (DHSS)** state §188.027 of the proposed legislation removes the requirement that a qualified professional provide a woman seeking an abortion with information regarding "the possibility of causing pain to the unborn child." Removing this would require the DHSS to revise the "Informed Consent" booklet. Revising this booklet falls into the established duties of the department. DHSS would also reprint the "Informed Consent" booklet that the Department of Social Services provides the funds for to print the booklets on an annual basis. The DHSS anticipates being able to absorb the costs identified as falling under current established duties. However, until the FY20 budget is final, the DHSS cannot identify specific funding sources.

§188.375.5 of the proposed legislation requires physicians performing abortions to report certain specified information to DHSS in accordance with forms set forth by the director of DHSS before December thirty-first of each year. The current electronic versions of the abortion reporting form, file layout, and the mainframe database will have to be modified to capture and store new information.

The proposed legislation also requires DHSS to issue a public report by June 30th of each year providing statistics compiled from all reports covering the previous year which were submitted in accordance with Section 188.375.5(1). The report shall provide statistics for all previous calendar years during which §188.375 was in effect, adjusted to reflect any additional information from late or corrected reports. This report, along with changing the current abortion reporting for, would fall into the established duties of the Bureau of Vital Statistics; therefore, no fiscal impact for staff is expected.

The department anticipates being able to absorb the costs identified as falling under current established duties. However, until the FY20 budget is final, the department cannot identify specific funding sources.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the DHSS will be able to perform the additional duties prescribed in this bill with current staff and resources and will present no fiscal impact to the DHSS for fiscal note purposes.

ASSUMPTION (continued)

Officials from the **Office of Administration (OA), Information Technology Services Division (ITSD)/DHSS** state modification of the existing application tools will be needed to add additional data collection as specified in this proposal. Tools include a Microsoft Access database for data entry of paper forms, file layouts for electronic exchange and mainframe database used for statistical reporting.

OA, ITSD assumes any new IT project/system will be bid out as ITSD resources are at full capacity. The IT consultant rate of \$75 per hour is used to estimate system modifications. It is assumed 86.4 IT consultant hours will be needed to complete this project. One time costs to the General Revenue Fund in FY 2020 of \$6,480 are estimated. ( $\$75/\text{hour} * 86.4 \text{ hours} = \$6,480$ ).

**Oversight** notes ITSD assumes that every new IT project/system will be bid out because all their resources are at full capacity. Due to the minimal impact of this proposal, Oversight assumes ITSD would contract out the work to IT consultants and will present the one-time costs of \$6,480 to GR funds as estimated by ITSD.

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 Insurance, Financial Institutions and Professional Registration (DIFP)** state this bill is anticipated to have no fiscal impact to the department. However, should the work be more than anticipated, DIFP would request additional appropriation and/or FTE through the budget process.

**Oversight** does not have any information to the contrary. Therefore, Oversight assumes the DIFP will be able to meet the requirements of this proposal with current staff and resources and will present no fiscal impact for the DIFP for fiscal note purposes.

ASSUMPTION (continued)

**Oversight** notes officials from the **Department of Corrections**, the **Department of Social Services** and the **Office of State Courts Administrator** assume this proposal will not have any fiscal impact to their organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect no fiscal impact for these agencies for fiscal note purposes.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>GENERAL REVENUE FUND</b>			
<u>Costs - OA, ITSD/DSS (§§188.027 and 188.375)</u>			
IT consultant contract work	<u>(\$6,480)</u>	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(\$6,480)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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 bill creates the "Pain Capable Unborn Child Protection Act" which specifies that no abortion may be performed or induced, or attempted to be performed or induced if the probable gestational age of the fetus has been determined by a physician to have reached the pain capable gestational age, unless it is necessary to avert the patient's death or serious risk of substantial and irreversible physical impairment of a major bodily function. The physician must terminate such pregnancy in a manner which provides the best opportunity for the fetus to survive unless doing so would pose a greater risk of death or substantial and irreversible physical impairment of a major bodily function to the patient.

FISCAL DESCRIPTION (continued)

Any physician who performs or induces an abortion shall report certain information, as specified in the bill, to the Department of Health and Senior Services. Beginning June 30, 2020, the department must issue a statistical report of reported information during the previous calendar year.

Any physician or other licensed medical practitioner who intentionally or recklessly performs or induces an abortion in violation of this bill is subject to discipline from the appropriate licensure board.

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  
Office of State Courts Administrator



Kyle Rieman  
Director  
February 7, 2019

Ross Strope  
Assistant Director  
February 7, 2019