

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3966-01
Bill No.: SB 1142
Subject: Health Care; Health Care Professionals; Health Department; Hospitals
Type: Original
Date: February 12, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Social Services**, the **Office of Administration - Administrative Hearing Committee**, the **Office of State Courts Administrator**, and the **Department of Health and Senior Services** assume this proposal would not fiscally impact their agencies.

Officials from **Barton County Memorial Hospital** did not respond to our fiscal note request. In a similar fiscal note from the previous session, Barton County Memorial Hospital assumed the costs would be minimal. **Oversight** assumes the costs to other county hospitals would be minimal.

Officials from the **Secretary of State Office (SOS)** state this proposal creates the Disposition of Fetal Remains Act. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Health and Senior Services could require as many as 6 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the *Missouri*

ASSUMPTION (continued)

Register is \$23. The estimated cost of a page in the Code is \$27. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and

depends upon the frequency and length of rules filed, amended, rescinded or withdrawn. The SOS estimates the cost for FY 05 only to be \$369.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

Small businesses which are health care facilities would be affected by this proposal.

DESCRIPTION

This proposal establishes the "Disposition of Fetal Remains Act". A new Section 194.381 provides that a mother has a right to determine the final disposition of the fetal remains, regardless of the duration of a pregnancy. Final disposition of fetal remains may be by cremation, burial, incineration in an approved medical waste incinerator, or other means authorized by the Director of the Department of Health and Senior Services. The final disposition of fetal remains does not require a religious service or ceremony.

Within twenty-four hours of a miscarriage, hospitals and other health care facilities must notify the mother in writing of her right to determine the final disposition of the remains of the fetus. Hospitals and other health care facilities must make counseling available to the mother concerning the death of the fetus.

DESCRIPTION (continued)

Any person who violates the provisions of Sections 194.375 to 194.390 will be guilty of a Class C misdemeanor. The "Disposition of Fetal Remains Act" does not prohibit a woman's ability to obtain a legal abortion.

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 Administration -
Administrative Hearing Committee
Office of State Courts Administrator
Department of Health and Senior Services
Department of Social Services
Secretary of State

NOT RESPONDING: Barton County Memorial Hospital



Mickey Wilson, CPA
Director
February 12, 2004