

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3966-03  
Bill No.: SCS for SB 1142  
Subject: Health Care; Health Care Professionals; Health Department; Hospitals  
Type: Original  
Date: March 9, 2004

**FISCAL SUMMARY**

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

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

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</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 LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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 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

ASSUMPTION (continued) \_\_\_\_\_

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

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" and allows the state registrar to issue a "Certificate of Birth Resulting in Stillbirth" for stillborn children.

SECTION 193.255 - The state registrar shall issue a "Certificate of Birth Resulting in Stillbirth" to any applicant having a direct and tangible interest in the record. The information shall be based on information available from the spontaneous fetal death report filed pursuant to Section 193.165, RSMo. The certificate shall include the statement "This is not proof of a live birth". Individuals may file an application for a certificate for any birth that resulted in stillbirth prior to August 28, 2004.

SECTION 194.378 - The mother has a right to determine the final disposition of the fetal remains, regardless of the duration of a pregnancy. The mother may choose any means of final disposition authorized by law or by the Department.

DESCRIPTION (continued)

SECTION 194.381 - 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.

SECTION 194.384 - Hospitals and other health care facilities must adopt written standards regarding the final disposition of fetal remains.

SECTION 194.387 - 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 fetal remains. Hospitals and other health care facilities must make counseling available to the mother concerning the death of the fetus.

SECTION 194.390 - 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

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