

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0342-01  
Bill No.: Perfected HB 100  
Subject: Abortion; Health Care; Health Department; Medical Procedures and Personnel  
Type: Original  
Date: March 9, 2005

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
General Revenue	\$0	\$0	\$0
<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>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<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 4 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</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 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of State Courts Administrator**, the **Office of Prosecution Services** and the **Department of Health and Senior Services** assume this proposal would not fiscally impact their agencies.

Officials from the **Office of Attorney General (AGO)** assume this proposal would create a fiscal impact. AGO assumes it will need an additional Assistant Attorney General I to represent persons adversely affected in this proposal by bringing injunctions on their behalf.

**Oversight** assumes AGO could absorb any additional costs.

Officials from the **Department of Corrections (DOC)** assume this proposal would have no fiscal impact or minimal fiscal impact which could be absorbed by the DOC.

Officials from the Office of **State Public Defender (SPD)** did not respond to our fiscal note request. However, in a similar proposal (L.R. 0342-01, HB 100) the SPD stated the proposal would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<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.

DESCRIPTION

This proposal adds the definitions of "department" and "medical emergency" to the laws regarding regulation of abortions. It specifies that the term "next friend" as it relates to consent to abortion for minors does not include another minor child or any person who has a financial interest or personal gain from a minor's decision to have an abortion.

A penalty provision is revised pertaining to the performance of actions contrary to current law and the nonperformance of required actions under current law. It establishes the defense of performing or not performing an action because of a medical emergency. Any person that is not a licensed physician who performs an abortion is guilty of a class A misdemeanor. The proposal specifies that a physician who performs an abortion and does not have clinical privileges at a hospital which offers obstetrical or gynecological care within 30 miles of the location where the abortion is performed is guilty of a class A misdemeanor.

The proposal also prohibits a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without consent from a parent or a judicial decree. Any person who is subject to the jurisdiction of the State of Missouri and violates this provision will be civilly liable to persons adversely affected by the action. If civil liability is established, a court may award damages, including compensation for emotional injury, attorney fees, and court costs to any person adversely affected. However, damages may not be awarded to any person who has committed rape or incest or has knowingly allowed rape or incest to be committed against a minor who obtains an abortion.

A person is not allowed to assert as a defense a claim that the abortion was performed in

DESCRIPTION (continued)

accordance with the required consent of the state or the place where the abortion was performed.

The proposal also prohibits an unemancipated minor from having the capacity to consent to any action in violation of the bill or Section 188.028, RSMo.

A court may enjoin conduct in violation of the proposal upon a petition by the Attorney General, a prosecuting attorney, a circuit attorney, or a person adversely affected or who may be adversely affected. In order for a court to enjoin any violation, the proposal requires that there must be a showing that the conduct has occurred in the past and that it is not unreasonable to expect that it will be repeated or that it is reasonably anticipated to occur in the future.

An establishment that performs or induces second- or third-trimester abortions or five or more first-trimester abortions per month is added to the definition of "ambulatory surgical center" for the purpose of regulating these centers.

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 State Court Administrator  
Office of Attorney General  
Department of Health and Senior Services  
Office of Prosecution Services  
Department of Corrections

**NOT RESPONDING: State Public Defender**



Mickey Wilson, CPA  
Director  
March 9, 2005