

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2501-02
Bill No.: HB 1
Subject: Abortion; Children and Minors; Health Care; Health Department; Medical Procedures and Personnel
Type: Original
Date: September 7, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	\$0	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> 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 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

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

Officials from the **Office of Attorney General (AGO)** state that this proposal makes changes to provisions of law relating to abortion services. AGO assumes that provisions relating to new definitions (Section 188.031) and requirements for physicians performing abortions (Section 188.080) will create no fiscal impact.

With regard to provisions relating to minors and abortions (Section 188.250 et seq.), AGO assumes that this proposal will create a fiscal impact. AGO assumes it would need one AAG I to represent "persons adversely affected" in this proposal by bringing injunctions on their behalf.

Oversight assumes that the AGO could absorb any additional costs.

Officials from the **State Public Defender (SPD)** did not respond to our fiscal note request. **Oversight** assumes SPD would not be fiscally impacted.

<u>FISCAL IMPACT - State Government</u>	FY 2006	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2006	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 definition of "next friend" as it relates to consent to abortion for minors which shall 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.

The proposal specifies that a physician who performs or induces 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.

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

DESCRIPTION (continued)

will be repeated or that it is reasonably anticipated to occur in the future.

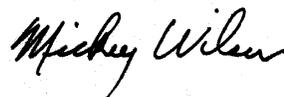
This proposal contains an emergency clause

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
Department of Health and Senior Services
Office of Prosecution Services
Department of Corrections
Office of Attorney General

NOT RESPONDING: State Public Defender



Mickey Wilson, CPA
Director
September 7, 2005