

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**May 7, 2003**

**TO:** Honorable Kenny Marchant, Chair, House Committee on State Affairs

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB569** by Berman (Relating to fetal pain prevention; providing penalties.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB569, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2005.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill relates to fetal pain prevention, and provides penalties. The bill would require the Department of Health (TDH) to publish print materials with certain information concerning unborn children of 20 weeks gestational age and for each two-week gestational increment afterwards, as specified in the bill. The bill would require TDH to develop and maintain an Internet website to provide this information. The bill would also require TDH to prepare a reporting form for physicians to report certain information prescribed in the bill and to provide the forms to physicians at the time a physician receives licensure notification to practice in Texas and not later than December 1 of each year. Not later than June 30 of each fiscal year of the biennium, TDH shall issue a public report providing statistics for the previous calendar year compiled from all of the physician reports submitted that year. The bill would allow the Board of Health to alter these dates established in the bill.

The bill would allow the Board of Health to set fees in amounts reasonable and necessary to defray the cost of administering the provisions of the bill. The bill would take effect September 1, 2003.

**General Revenue-Related Funds, Five-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2004	\$0
2005	\$0
2006	\$0
2007	\$0
2008	\$0

**All Funds, Five-Year Impact:**

Fiscal Year	Probable Savings/(Cost) from <i>GENERAL REVENUE FUND</i> 1	Probable Revenue (Loss) from <i>GENERAL REVENUE FUND</i> 1
2004	(\$45,506)	\$45,506
2005	(\$50,469)	\$50,469
2006	(\$50,469)	\$50,469
2007	(\$50,469)	\$50,469
2008	(\$50,469)	\$50,469

## **Fiscal Analysis**

TDH assumes that the agency would incur cost to implement certain sections of the bill such the cost associated with the preparation and distribution of printed informational materials and the development and maintenance of an Internet website. TDH also assumes that the agency would incur cost associated with sending out the reminder notices to physicians regarding the reporting requirement.

## **Methodology**

TDH estimates that there are 33,000 physician offices statewide that TDH would provide with informational handouts. The agency estimates it would mail reminder notices of the reporting requirement to 91 physician offices, identified as abortion providers, each fiscal year. TDH indicates that .5 FTEs would be needed to implement the provisions of the bill. The agency assumes a four-month start-up period in FY 2004. TDH estimates total costs of \$45,506 in FY 2004 and \$50,469 in FY 2005-08. Among other things, the cost in FY 2004 include: \$23,415 for preparing and distributing the physician reporting forms and reminder notices; \$5,390 for the development and distribution of the informational handouts; and \$14,125 in salary and benefits for .5 FTE. In each year of FY 2005-2008, costs include \$23,097 for preparing and distributing the physician reporting forms and reminder notices; \$5,049 for the development and distribution of the informational handouts; and \$21,188 for salary and benefits for .5 FTE, among other things.

The Office of the Attorney General indicates that any legal work resulting from passage of the bill would be absorbed with the agency's current resources.

TDH indicates that fees would not be increased by the entire cost of the bill. The agency estimates that only \$10,048 in additional fees would be generated in each year of FY 2004-08. In accordance with the bill's provision that would allow the Board of Health to set fees in amounts reasonable and necessary to defray the cost of administering the provisions of the bill, it is assumed that the agency would collect fees sufficient to cover this cost.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 501 Department of Health

**LBB Staff:** JK, RR, KF, RM