

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 22, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB1602 by Zedler (Relating to reporting requirements regarding the provision of an abortion or treatment for complications resulting from the provision of an abortion; creating criminal offenses; providing penalties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1602, As Introduced: a negative impact of (\$399,491) through the biennium ending August 31, 2013.

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

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|--------------------|-----------------------------------------------------------------------------------------|
| 2012 | (\$182,973) |
| 2013 | (\$216,518) |
| 2014 | (\$180,146) |
| 2015 | (\$180,146) |
| 2016 | (\$180,146) |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund 1 |
|--------------------|------------------------------------------------------------|
| 2012 | (\$182,973) |
| 2013 | (\$216,518) |
| 2014 | (\$180,146) |
| 2015 | (\$180,146) |
| 2016 | (\$180,146) |

Fiscal Analysis

SECTION 1 of the bill would create a new Class A misdemeanor related to coercive abortion.

SECTION 2 of the bill would require physicians to submit an abortion reporting form to the Department of State Health Services (DSHS) for each abortion performed and to submit a complications form to DSHS in certain circumstances resulting from an abortion. DSHS would be required to provide a copy of both forms to all physicians licensed to practice in the state; each form would be required to be provided in both English and Spanish. The bill would authorize the commissioner of DSHS to assess administrative penalties or bring action against physicians who fail to submit the required forms. The bill would create a new Class A misdemeanor related to required

reporting. DSHS would be required to prepare an annual public report summarizing information reported on the two forms.

SECTION 6 of the bill would repeal existing abortion reporting requirements and would eliminate a Class A misdemeanor related to those reporting requirements; the repeal would be effective January 1, 2012.

SECTION 7 of the bill would require DSHS to develop the forms required by SECTION 2 no later than December 1, 2011 and distribute them no later than January 1, 2012; physicians would not be required to submit reports before January 1, 2012.

SECTION 8 would require DSHS to submit the initial annual report required by SECTION 2 no later than April 1, 2013.

Methodology

It is assumed that DSHS would contract for development of the two forms and to support generation of the required annual report. DSHS estimates a cost of \$46,764 in fiscal year 2012 and \$36,372 in fiscal year 2013 for these contracted costs.

The cost to provide the required reporting forms to all physicians licensed to practice in Texas is estimated to be \$30,332 in each fiscal year.

The estimated cost of data entry from the two forms is estimated to be \$105,877 in fiscal year 2012 (reporting is assumed to begin in January of 2012) and \$149,814 in fiscal year 2013 and subsequent fiscal years.

According to DSHS, any cost to prepare the annual report, aside from contract costs mentioned previously, could be absorbed within available resources.

All costs are assumed to be funded with General Revenue funds.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 537 State Health Services, Department of

LBB Staff: JOB, KJG, MB, LR, NB, KKR