

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83rd LEGISLATURE 1st CALLED SESSION - 2013

June 21, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB5 by Hegar (Relating to the regulation of abortion procedures, providers, and facilities; providing penalties.), **Committee Report 2nd House, Substituted**

| |
|------------------------------------------------------------------------------|
| <p>No significant fiscal implication to the State is anticipated.</p> |
|------------------------------------------------------------------------------|

The bill would amend the Health and Safety Code and the Occupations Code relating to the regulation of abortion procedures, providers, and facilities and providing penalties. The bill would prohibit abortions at or after 20 weeks post-fertilization and adds a violation related to abortions performed at or after 20 weeks post-fertilization to the list of prohibited practices by physicians or license applicants. The bill includes provisions of exception which allow an abortion, via the method most likely to lead to live birth, if the mother's life or physical impairment of a major bodily function is at risk or if the unborn child has a severe fetal abnormality as defined in the bill.

The bill would authorize the Texas Medical Board to assess administrative penalties for violations of physicians distributing or prescribing abortion-inducing drugs in certain situations. The bill would create a new minimum standard for abortion facilities licensed by the Department of State Health Services (DSHS). A facility licensed under the chapter would not be required to meet the new standards until September 1, 2014.

The bill states that the requirements of the bill are severable if a portion of the bill is found by a court to be invalid. The bill would take effect immediately if a two-thirds majority vote in both houses of the Legislature is received. Otherwise, the bill would take effect on the 91st day after the last day of the legislative session.

Based on the analysis provided by DSHS, the Texas Medical Board, and the Office of Court administration, it is assumed that the provisions of the bill can be implemented within existing resources. DSHS indicates that any potential loss of revenue in licensing fees related to the new facility licensing standards could be absorbed within existing resources.

Local Government Impact

The bill would create a fine-only Class A misdemeanor offense punishable by a fine not to exceed \$4,000. Costs associated with enforcement, prosecution, and confinement could likely be absorbed with existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 503 Texas Medical Board, 537 State Health Services, Department of

LBB Staff: UP, AG, MB, CH, CL, LR, NB