

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 3, 2019

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB16 by Leach (Relating to the enforcement of the rights of a living unborn child after an abortion; creating a civil cause of action; providing a civil penalty; creating a criminal offense.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would create a civil cause of action against a physician in certain circumstances and make a physician liable to the State for a civil penalty of not less than \$100,000. The attorney general may bring suit to collect the civil penalty and may recover reasonable attorney's fees. If a physician were to prevail in a civil action, the physician may recover reasonable attorney's fees incurred. The bill would create a criminal offense against a physician who commits gross negligence and fails to provide the appropriate medical treatment with a felony of the third degree. The bill would take effect on September 1, 2019 and would only apply to a child born alive on or after this effective date.

The Office of Court Administration, Office of the Attorney General and the Texas Medical Board indicate the bill's provisions could be absorbed within existing resources. The Comptroller of Public Accounts indicates the fiscal impact cannot be estimated at this time.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 503 Texas Medical Board

LBB Staff: WP, SLE, EP, AKi, SPa, LR, LCO