

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 16, 2019

TO: Honorable Dade Phelan, Chair, House Committee on State Affairs

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

IN RE: HB2434 by Schaefer (Relating to information regarding perinatal palliative care and prohibiting discriminatory abortions; creating an administrative penalty, a civil remedy, and a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require the Health and Human Services Commission (HHSC) to develop perinatal palliative care informational materials and post the materials on their website. Additionally, HHSC would develop a form on which a woman certifies that she received the perinatal palliative care informational materials and list of providers.

The bill would amend sections related to the prohibition of certain third trimester and discriminatory abortions, which would result in increased births. However, the number affected would be small and would not have a significant fiscal impact on the state.

Under the provisions of the bill, physicians would have additional requirements related to providing women with informational materials regarding perinatal palliative care. Under the provisions of the bill, a person who performs or attempts to perform an abortion based on the race, ethnicity, sex or probability of diagnosis of or having a disability or uses force or threat of force to intentionally injure or intimidate a person, commits a criminal offense, a Class A misdemeanor. Additionally, the Texas Medical Board (TMB) would take appropriate disciplinary action against a physician who commits this offense. A woman, the father or maternal grandparent may bring civil action against an individual that commits this offense.

The Office of Court Administration, TMB and HHSC indicate the bill could be implemented utilizing existing resources.

Local Government Impact

A Class A misdemeanor is punishable by a fine of not more than \$4,000, confinement in jail for a term not to exceed one year, or both. Costs associated with enforcement, prosecution and confinement could likely be absorbed within existing resources. Revenue gain from fines imposed and collected is not anticipated to have a significant fiscal implication.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304

Comptroller of Public Accounts, 503 Texas Medical Board, 529 Health
and Human Services Commission

LBB Staff: WP, CMa, AKi, SK, LR, AF