

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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 7, 2021**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: SB8** by Hughes (Relating to abortion, including abortions after detection of an unborn child's heartbeat; authorizing a private civil right of action.), **As Passed 2nd House**

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| <p><b>No significant fiscal implication to the State is anticipated.</b></p> |
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The bill would prohibit a physician from knowingly performing or inducing an abortion if the physician has determined there is a detectable fetal heartbeat or failing to perform a test to detect a fetal heartbeat. The physician would be required to use a test to determine a fetal heartbeat.

The physician would not be required to record certain information if a physician believes a medical emergency exists that prevents compliance with the provisions of the bill. If a physician performs or induces an abortion under medical emergency circumstances, the physician would be required to make written notations in the pregnant woman's medical record. The physician would also be required to maintain a copy of a document in the physician's practice records. In an existing monthly report that a physician must provide to the Health and Human Services Commission (HHSC), the physician would be required to report whether an abortion was performed or induced because of a medical emergency and any medical condition of the pregnant woman that required the abortion and whether the physician performed or induced the abortion under medical emergency circumstances.

The bill would allow for private civil enforcement actions by certain persons, other than an officer or employee of a state or local governmental entity in this state, in response to violations of the provisions of the bill.

HHSC and the Texas Medical Board indicated that any cost to implement provisions of the bill would be minimal and can be absorbed within available resources.

**Local Government Impact**

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

**Source Agencies:** 212 Office of Court Admin, 304 Comptroller of Public Accounts, 503 Texas Medical Board, 529 Hlth & Human Svcs Comm

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