

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 19, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

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.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

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 failed to perform a test to detect a fetal heartbeat. The physician would be required to use a test to determine a fetal heartbeat. If a fetal heartbeat is detected, the physician would be required to inform the woman in writing of the statistical probability of bringing the pregnancy to term to the best of the physician's knowledge based on the gestational age of the pregnancy or as provided by the Health and Human Services Commission (HHSC) rule. The bill would require the executive commissioner of HHSC to adopt rules that specify the information required regarding the statistical probability of bringing a pregnancy to term based on the gestational age.

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 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; whether the physician made a determination of the presence of a fetal heartbeat; and whether the physician performed or induced the abortion under medical emergency circumstances.

The bill would allow for private civil enforcement actions by any person, 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: 503 Texas Medical Board, 529 Hlth & Human Svcs Comm

LBB Staff: JMc, LBO, SMat, JLi, AKi