



Legislative
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**FINAL
FISCAL NOTE**

Drafting Number: LLS 18-0792
Prime Sponsors: Rep. Saine
Sen. Marble

Date: July 31, 2018
Bill Status: Postponed Indefinitely
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Bill Topic: A WOMAN'S RIGHT TO ACCURATE HEALTH CARE INFO

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill would have required abortion providers to give certain information to women prior to performing an abortion and created new civil and criminal offenses for noncompliance. It would have increased state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: For FY 2018-19, the bill would have required an appropriation of \$59,302 to the Department of Law.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1
State Fiscal Impacts Under HB 18-1082**

		FY 2018-19	FY 2019-20
Revenue	General Fund and Cash Funds	up to \$10,000	up to \$10,000
	Total	up to \$10,000	up to \$10,000
Expenditures	General Fund	\$59,302	\$59,580
	Centrally Appropriated	\$18,638	\$19,947
	Total	\$77,940	\$79,527
	Total FTE	0.9 FTE	1.0 FTE
Transfers		-	-

Summary of Legislation

This bill prohibits an abortion from being performed or induced without the patient signing a form indicating that the abortion provider has not given the patient certain required information at least 24 hours before the procedure. Alternately, a patient may sign a decline of information form stating that the information was offered but that she declined to review it. The information to be provided must include:

- the name of the physician who will perform the abortion, and any disciplinary action taken against the physician;
- a thorough and accurate description of the proposed method for performing the abortion, including information on the probable gestational age and anatomical and physiological characteristics of the fetus;
- a description of immediate and long-term physical and psychological risks involved in the abortion procedure;
- the availability of potential abortion reversal after the initial stages of the abortion procedure;
- a description of alternatives to abortion;
- a description of medical assistance benefits that may be available for prenatal care, childbirth, and neonatal care, in addition to information on the liability of the father for child support; and
- any other medical or other information that a reasonable patient would consider important for making a decision.

Additionally, the bill requires abortion providers to give patients the opportunity to receive an ultrasound portraying the entire body of the unborn child at least 24 hours prior to an abortion. If an abortion provider refuses to comply with the ultrasound provision, they must give the woman a list of health care providers within a ten-mile radius who will provide a free ultrasound and comply with the provisions of the bill. Further, the abortion provider must post a notice stating that the facility does not provide ultrasounds and is not a medical facility. In regards to an ultrasound, the abortion provider must provide:

- an oral description of all relevant features of the ultrasound, with audible heartbeat, if present;
- a photograph or print of the ultrasound at no additional charge;
- a written and oral description of whether or not the pregnancy is viable;
- a list of all known ultrasound providers within a ten-mile radius of the abortion provider, in order to allow a patient to seek a second opinion;
- a description of the probable gestational age of the unborn child;
- a description of the development of the unborn child's nerve endings and the unborn child's ability to feel pain at each stage of development; and
- a statement that the patient may withdraw consent to the abortion at any time.

Any person who recklessly violates any provision of the bill commits an unclassified misdemeanor and is subject to a fine of up to \$1,000 per violation. A person who suffers a loss or injury as a result of any violation of the bill may bring a cause of action against the abortion provider.

Table 2
Expenditures Under HB 18-1082

Cost Components	FY 2018-19	FY 2019-20
Department of Law		
Personal Services	\$53,744	\$58,630
Operating Expenses and Capital Outlay Costs	\$5,558	\$950
Centrally Appropriated Costs*	\$18,638	\$19,947
FTE – Personal Services	0.9 FTE	1.0 FTE
Total	\$77,940	\$79,527
Total FTE	0.9 FTE	1.0 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

Department of Law. The Department of Law will require 1.0 FTE for a health professional to create program rules and monitor compliance by abortion clinics in meeting the information disclosure requirements. Personal services, operating, and capital outlay expenses for this staff are shown in Table 2 above. Salary costs and FTE are prorated in the first year to account for the General Fund paydate shift.

Judicial Department. The bill increases workload in the trial courts by a minimal amount. The bill may result in additional criminal filings for abortion providers acting in violation of the bill. The bill also creates a new civil cause of action against abortion providers that may result in additional civil filings. The fiscal note assumes a high level of compliance and that no change in appropriations is required.

Agencies providing representation to indigent persons. Workload and costs for the Office of the State Public Defender and the Office of the Alternate Defense Counsel may increase under the bill. To the extent this occurs, this analysis assumes the affected offices will request an increase in appropriations through the annual budget process.

Department of Regulatory Agencies. The bill may increase workload in the Division of Professions and Occupations to investigate and adjudicate complaints of unprofessional conduct concerning abortion providers who do not comply with the provisions of the bill. Given the assumed high rate of compliance, any impact to DORA is assumed to be minimal and no change in appropriations is required.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance, supplemental employee retirement payments, and indirect cost recoveries, are estimated to be \$18,638 in FY 2018-19 and \$19,947 in FY 2019-20.

Local Government

Overall, this bill is expected to increase local government revenue, workload, and costs as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District attorneys. The bill increases workload and costs for district attorneys to prosecute any new offenses under the bill.

Denver County Court. The bill results in an increase in workload and revenue for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases concerning abortion providers in Denver who do not comply with the requirements of the bill. Criminal fine and court fee revenue is also collected by Denver County Court. Because the court has discretion on the amount of the fine penalty imposed, the precise impact to Denver County has not been estimated. Please refer to the State Revenue section above for information about fine penalty ranges and court fees.

Effective Date

This bill was postponed indefinitely by the House Health, Insurance, and Environment Committee on February 22, 2018.

State Appropriations

For FY 2018-19, the bill requires a General Fund appropriation of \$59,302 to the Department of Law and an allocation of 0.9 FTE.

State and Local Government Contacts

Corrections	Counties	Health Care Policy and Financing
Higher Education	Human Services	Information Technology
Judicial	Law	Public Health and Environment
Public Safety	Sheriffs	Regulatory Agencies