

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: H.B. 1064

SHORT TITLE: Abortion/Right to Know

SPONSOR(S): Representative Michael Decker

FISCAL IMPACT

Yes () No (X) No Estimate Available ()

FY 1999-00 FY 2000-01 FY 2001-02 FY 2002-03 FY 2003-04

REVENUES

EXPENDITURES See Assumptions and Methodology, below*

POSITIONS: None

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Health and Human Services, Division of Public Health

EFFECTIVE DATE: December 1, 1999

*This bill requires the Department of Health and Human Services to use available funds to cover the costs of implementing this act. (See Assumptions and Methodology, below)

BILL SUMMARY: *Requires a twenty-four-hour waiting period and the informed consent of a pregnant woman before an abortion may be performed.*

Adds new Art. 1G to GS Chapter 90, prohibiting abortion without a woman's voluntary and informed consent, and making it unlawful to coerce a woman to undergo an abortion. Requires that at least 24-hours before an abortion a physician or qualified person, except in emergency cases, orally inform the pregnant woman of medical risks associated with the abortion procedure and with carrying the unborn child to term; probable gestational age of the unborn child when the abortion is to be performed; whether the physician who is to perform the abortion has liability insurance for malpractice; and whether the physician has local hospital admitting privileges. Also requires the physician, 24-hours before the abortion, to inform the woman by telephone or in person that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care; that public assistance programs, such as the Temporary Assistance to Needy Families block grant funds, may or may not be available as benefits under federal and

state assistance programs; that the father must assist in the child's support even if the father has offered to pay for the abortion; that the woman has the right to review printed materials described in GS 90-21.53; that information concerning access to local domestic violence services will be provided if the woman acknowledges involvement in an abusive relationship; and that she may withdraw her consent to the abortion at any time, before or during the abortion, without affecting her right to future care or treatment and without the loss of any state or federally funded benefits. The information required by this act must be provided to the woman individually and in a private room with an opportunity for her to ask questions. The woman may not be required to pay for the abortion procedure until the 24-hour waiting period has expired.

Adds GS 90-21.53, requiring the Department of Health and Human Services to publish and provide at no cost to any requesting physician, qualified person, facility or hospital, printed materials designed to inform a woman of the agencies and services to assist her through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies; the probable characteristics of an unborn child at two-week intervals from conception to full term; legal prohibition against coercing a woman to undergo an abortion; the potential legal liability of any physician who performs an abortion without the woman's informed consent; and that adoptive parents may pay costs of prenatal care, childbirth, and neonatal care.

Adds GS 90-21.54, providing that when medical emergency compels performance of an abortion, the physician must inform the woman, before the abortion if possible, of the medical indications that abortion is necessary to avert her death or that 24-hour delay will create serious risk of substantial and irreversible impairment of major bodily function.

Adds GS 90-21.57, authorizing any person to bring civil action for damages against person who performed abortion in violation of provisions of act.

Requires the Department of Health and Human Services to use funds available to pay costs of implementing act. Effective December 1, 1999. Applies to claims for relief on or after that date.

ASSUMPTIONS AND METHODOLOGY:

The Department of Health and Human Services expects to provide booklets and service directories to providers equal to the number of abortions performed plus additional copies equal to the number of women who receive counseling and then choose not to have an abortion. Currently approximately 31,000 abortions are performed in the state each year, and the department expects up to 6,200 (20%) additional women will receive counseling, but choose not to have abortions each year. Therefore, the department anticipates printing a total of 37,200 booklets and service directories each year for providers to distribute to these women.

The cost to the Department of Health and Human Services for materials development, printing and distribution of the information required by this act is based on the following estimates:

1. \$13,000 for the 1999-2000 fiscal year for the initial development of clinical materials (a booklet or brochure explaining the medical risks associated with abortion, and describing stages of gestational development, as well as the abortion procedure), including the cost of convening a group of clinical specialists and purchasing photographic materials and graphic art services.

2. \$10,000 for the 1999-2000 fiscal year for the initial development of the geographically indexed service directory of public and private agencies available to assist women through pregnancy and after childbirth. The department anticipates contracting for this service.
3. \$1,000 biennially, beginning with the 2001-2002 fiscal year, to update clinical information included in the booklet and materials.
4. \$2,500 annually, beginning with the 2000-2001 fiscal year, to update non-clinical information included in the brochures, service directory and other materials.
5. \$23,820 for the 1999-2000 fiscal year and \$22,320 annually, beginning with the 2000-2001 fiscal year for printing costs. Printed materials include the following:
 - Information to inform health care providers of the requirements of the new law, including a copy of the legislation enacted, an explanation of the requirements, and information about the department's responsibility for providing required materials free of charge to providers upon request.
 - Standardized forms for providers to use when ordering materials from the department.
 - Booklets or brochures describing the gestational development of the child and the abortion procedure, and explaining the medical risks of the procedure.
 - A geographically indexed directory of public and private agencies available to assist women through pregnancy and after childbirth, including adoption agencies.
6. \$18,400 for the 1999-2000 fiscal year and \$15,350 annually, beginning with the 2000-2001 fiscal year for postage and related costs. Mailing costs include the following:
 - An initial mailing to approximately 5,000 health care providers (includes hospitals, surgical centers, local health departments, community health centers, rural health centers, abortion clinics, Planned Parenthood affiliates, and physicians licensed to practice obstetrics, gynecology or family medicine) to establish an on-going mailing list of providers who perform abortions or provide abortion counseling services, and to inform providers of the requirements of the new law and the department's responsibility for providing materials to providers upon request.
 - An annual mailing beginning with SFY 2000-2001 to all participating providers, announcing the availability of updated brochures and service directories.
 - Mailings of booklets and service directories as requested throughout the year to health care providers performing abortion counseling and/or procedures.
 - Annual temporary mailroom staff to coordinate and handle distribution of material to providers.
7. \$1,000 annually, beginning with the 1999-2000 fiscal year to rent storage space for the inventory of materials.

As written the bill requires the Department of Health and Human Services to use available funds to cover the costs of implementing this act, therefore there is no impact on the General Fund,

although there are estimated costs associated with developing and distributing the required materials.

The authorized General Fund budget for all public health programs in the Department of Health and Human Services is approximately \$128.8 million. Historically, the divisions have been able to make funds available for unexpected and/or urgent needs. The \$66,220 required to implement the Abortion/Right to Know program is less than .06% of public health's total General Fund budget. Therefore, the department appears to be able to absorb the costs associated with this bill, without need of additional appropriation.

TECHNICAL CONSIDERATIONS: none

FISCAL RESEARCH DIVISION 733-4910

PREPARED BY: Ramona L. Burton

APPROVED BY: Tom Covington

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