

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 536 (Second Edition)

SHORT TITLE: Abortion/Right to Know

SPONSOR(S): Representative Connie Wilson, et. al.

FISCAL IMPACT

Yes () No (x) No Estimate Available ()

FY 1997-98 FY 1998-99 FY 1999-00 FY 2000-01 FY 2001-02

EXPENDITURES * (See Assumptions and Methodology, below)

POSITIONS: none

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health.

EFFECTIVE DATE: December 1, 1997

* The bill requires the Department of Environment, Health, and Natural Resources to use available funds to cover the costs of implementing this act. (See Assumptions and Methodology, below)

BILL SUMMARY:

TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

Adds new Art. 1F to GS Chapter 90 prohibiting abortion without 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 abortion, physician or qualified person must, except in emergency cases, orally inform pregnant woman of medical risks of abortion procedure and with carrying the unborn child to term; probable gestational age of unborn child when abortion is to be performed; whether physician who is to perform the abortion has liability insurance for malpractice; and whether physician has local hospital admitting privileges. Also requires that, at least 24 hours before abortion, physician to perform abortion must 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 Aid to Families with Dependent Children 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 new GS 90-21.40; 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 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 new GS 90-21.40 requiring the Department of Environment, Health, and Natural Resources to publish, and provide at no cost to any requesting physician, qualified agent of a physician, facility, or hospital, printed materials designed to inform a woman of the agencies and services to assist her through pregnancy, upon childbirth, and while 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 new GS 90-21.41 providing that when medical emergency compels performance of abortion, 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 90-21.44 authorizing any person to bring civil action for damages against person who performed abortion in violation of provisions of act.

Requires Department of Environment, Health, & Natural Resources to use funds available for 1997-98 to pay costs of implementing act. Effective Dec. 1, 1997. Applies to claims for relief arising on or after that date.¹

Amendments adopted in Committee April 17, 1997

Makes various technical and clarifying changes regarding information provided to a woman orally, either in person or by telephone and to ensure the privacy of a woman receiving information required by this act.

Also requires the Department of Environment, Health, and Natural Resources to use available funds to cover the costs of providing required materials. Previously, the department was required to use available funds to cover the costs for the 1997-98 fiscal year only.

Committee Substitute Adopted April 23, 1997

House committee substitute replaces 1st edition, making two substantive changes: (1) Defines "medical emergency" (for purposes of abortions not requiring the 24-hour delay) as condition necessitating immediate abortion to avert serious risk to the mother's life (was, serious risk to life or substantial and irreversible impairment of one or more of the mother's major bodily functions). (2) Permits the oral communication of the medial risks, gestational age of the

¹ *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Vol. 1997, No. 28.

fetus, and information about the doctor (which must be communicated at least 24 hours before the abortion) to be made by telephone or in person (original bill did not specify telephone).²

ASSUMPTIONS AND METHODOLOGY:

The Department of Environment, Health, and Natural Resources (DEHNR) 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 DEHNR for materials development, printing and distribution of the information required by this act is based on the following estimates:

1. \$13,000 for the 1997-98 fiscal year for the initial development of clinical materials (a booklet or brochure explaining the medical risks associated with abortion, and describing the gestational development of the child and 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 1997-98 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 1999-2000 fiscal year, to update clinical information included in the booklet and materials.
4. \$2,500 annually, beginning with the 1998-99 fiscal year, to update non-clinical information included in the brochures, service directory and other materials.
5. \$22,845 for the 1997-98 fiscal year and \$22,345 annually, beginning with the 1998-99 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.

² *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Vol. 1997, No. 50.

- A geographically indexed directory of public and private agencies available to assist women through pregnancy and after childbirth, including adoption agencies.
6. \$19,000 for the 1997-98 fiscal year and \$15,325 annually, beginning with the 1998-99 fiscal year for postage costs. Mailings 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 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.
 7. \$3,200 annual temporary personnel expense, beginning with the 1997-98 fiscal year for mail room staff to coordinate and handle distribution of materials to providers.
 8. \$1,000 annually, beginning with the 1997-98 fiscal year to rent storage space for the inventory of materials.

As written the bill requires the Department of Environment, Health, and Natural Resources 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 health programs in the Department of Environment, Health, and Natural Resources is approximately \$123.6 million. Historically, the divisions have been able to make funds available for unexpected and/or urgent needs. The \$69,045 required to implement the Abortion/Right to Know program is less than seven-tenths of 1% of the health program'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.

SOURCES OF DATA:

The Department of Environment, Health, and Natural Resources, Division of Maternal and Child Health.

TECHNICAL CONSIDERATIONS:

none

FISCAL RESEARCH DIVISION

733-4910

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