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FISCAL IMPACT REPORT

SPONSOR: Russell DATE TYPED: 02/06/01 HB 477
 SHORT TITLE: Informed Choice Act SB _____
 ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	See Narrative				

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 372, HB 376 and SB 298

SOURCES OF INFORMATION

Children, Youth and Families Department (CYFD)
 Commission on the Status of Women (CSW)
 Board of Medical Examiners (BME)

No Response
 Department of Health (DOH)

SUMMARY

Synopsis of Bill

HB 477 requires physicians to provide certain information, including printed information from Department of Health, before performing abortions. It is possible for physicians to incur felony penalties. The bill creates civil remedies. Physicians would be required to report the numbers of women informed, the choices made, and the number of abortions performed.

FISCAL IMPLICATIONS

See Administrative Implications.

ADMINISTRATIVE IMPLICATIONS

HB 477 will require each newly licensed physician be informed of consent requirements prior to abortion procedures. A Board member personally interviews each new physician and the required information can be distributed at the time of the interview. HB 477 also requires annual notification and BME will provide mailing labels of each licensed MD in the State to DOH

The DOH under HB 477 is required to prepare and disseminate printed materials and compile and issue reports. The DOH has not provided any estimates on the amount of staff time needed to prepare the required reports and materials, nor have they estimated what it will cost to perform the requirements of HS 477.

RELATIONSHIP

Relates to:

HB 376, Teen Pregnancy
SB 298, Parental Notification Act
HB 372, Parental Notification Act

SUBSTANTIVE ISSUES

CYFD notes that a physician would be required to inform the woman of non-medical matters, including the father's liability to support the child. The physician is also required to offer the materials provided by the Department of Health. Since there is a possible felony penalty for non-compliance, the physician would need to have a witness in case there is a later dispute about whether and what the physician offered, but the presence of a witness might violate confidentiality. This, plus the reporting requirements, would present a burden to the physician.

The Commission on the Status of Women report the following:

- c In HB 477 there is a "presumption of ignorance and lack of ability/competency for a woman to make a decision regarding health issues."
- c HB477 imposes unnecessary delay periods and is designed to impede a woman's ability to exercise her right to make private, reproductive decisions as guaranteed by the US Constitution and the New Mexico Constitution.
- c HB 477 interferes with the doctor/patient relationship.
- c HB 477 may conflict state statutes, as this law may be interpreted (as has been the case in the past) by the State Supreme Court as placing "undue "burden on the individuals involved.
- c The portion of HB 477 that allows the father or grandfather of an unborn child to bring a claim for civil damages if HB 477 is violated may be unconstitutional.
- c HB 477 appears to conflict with the New Mexico Equal Rights Amendment since other informed consent, such as a male seeking a vasectomy is not required.
- c HB 477 language should change all references from "unborn child" to "fetus." in order to more precise and avoid emotionally charged terms.
- c HB 477 language should be changed so that only "the person upon whom an abortion has been preformed" will have the right to civil remedies against the person who performed the abortion.