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FISCAL IMPACT REPORT

SPONSOR Montoya/Herrell/ Gallegos, DM **ORIGINAL DATE** 2/13/18 **LAST UPDATED** _____ **HB** 75

SHORT TITLE “Born Alive” Definitions and Medical Care **SB** _____

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	Moderate, but uncertain	Moderate, but uncertain	Moderate, but uncertain	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates 2017 House Bill 37 and 2016 House Bill 275; Related to 2018 House Bill 76;
Conflicts with 2018 House Bill 16

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Bill 75 if enacted would

- 1) Define “born alive,” as applied to an infant born or a fetus/infant removed or expelled from its mother’s uterus through abortion, as showing any sign of life, including breathing, heartbeat, pulsation of the umbilical cord, or definite movement of muscles.
- 2) Require that nutritional support be given to all “born alive” infants.
- 3) Require that life-saving measures be initiated in all cases where a fetus or infant is born alive, with the exception of measures that
 - a. Were unnecessary to save the life, OR
 - b. Had potential risks to the infant’s life or health that outweighed the potential benefits of that treatment, OR
 - c. Would do nothing more than temporarily prolong the act of dying.
- 4) Require that abortion providers take all steps to preserve the life and health of an infant born alive, transferring infants as necessary to preserve life and health.
- 5) Require that the physician must delegate someone else to care for the infant if occupied with caring for the mother.
- 6) Treat all infants born alive according to the above definitions as a full person, and have birth and death certificates prepared.

- 7) Prohibit research involving born alive infants.
- 8) Require that anyone knowing of a violation of this statute report it to a state and/or federal authority.
- 9) Define killing a “born alive infant” as a first degree felony, and attempting to do so, as a second degree felony.
- 10) Prescribe civil remedies for women whose infants “born alive” are not cared for as required in this statute.
- 11) Establish a task force to monitor “born alive infants” composed of two DOH and 3 CYFD members, creating a list of reporting requirements. The task force would send CYFD caseworkers to monitor each elective abortion provider on a monthly basis, conducting monthly inspections and staff interviews to determine if the law were being complied with, and reporting annually to the governor and the Legislature.

FISCAL IMPLICATIONS

No appropriation is made in the bill. There might be costs to the courts, to the prosecutors and to the public defenders if there were an increase in prosecutions pursuant to the new law. Both CYFD and DOH would incur costs involved in personnel taking part in the task force. CYFD would incur major new costs associated with monitoring each elective abortion provider on a monthly basis.

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