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F I S C A L I M P A C T R E P O R T

SPONSOR Little/Wooley,/Herrell/
Gallegos, DM/Montoya **ORIGINAL DATE** 3/14/17
LAST UPDATED _____ **HM** 118 _____
SHORT TITLE Study Lack of Abortion Parental Notification **SB** _____
ANALYST Chilton _____

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bills 37, 220, 221, 464 and 473 and Senate Bills 183, 282, and 361.

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Memorial

House Memorial 118 requests that the Legislative Interim Committee on Health and Human Services study the ramifications of New Mexico lacking a statute requiring the notification of the parents of minors who request an abortion.

The preambles to the memorial note the interest of the state in preserving the well-being of its children and adolescents and its interest in the ability of parents to make decisions on behalf of their children. It notes that 37 states require the notification of one or both parents for adolescents seeking abortion.

It then directs the interim Committee on Health and Human Services to study the issue and to propose legislation to align New Mexico with other states.

FISCAL IMPLICATIONS

No appropriation is made or required.

SIGNIFICANT ISSUES

In a January 2017 statement, the American Academy of Pediatrics (AAP) noted its opposition to

legislation requiring parental notification, concluding as follows:

The AAP reaffirms its position that the rights of adolescents to confidential care when considering abortion should be protected. Genuine concern for the best interests of minors argues strongly against mandatory parental consent and notification laws. Although the stated intent of mandatory parental consent laws is to enhance family communication and parental responsibility, there is no supporting evidence that the laws have these effects. No evidence exists that legislation mandating parental involvement against the adolescent's wishes has any added benefit in improving productive family communication or affecting the outcome of the decision. There is evidence that such legislation may have an adverse impact on some families and that it increases the risk of medical and psychological harm to the adolescent. Judicial bypass provisions do not ameliorate the risk and may delay access to safe and appropriate care, making it a later, more complicated procedure.

See the attached policy statement.

Americans United for Life (www.aul.org) counters this argument, stating, in its conclusion “ In order to protect the health and safety of minors and the constitutional rights of parents to rear their children, it is essential for the states to enact parental involvement laws. The USSC [United States Supreme Court] has made it abundantly clear that such laws are constitutional when drafted properly and further important legitimate state interests. The safety of minors and the rights of parents demand no less.”

RELATIONSHIP with the following bills, which also deal with abortion:

- House Bill 37, which would require medical providers to give life-saving support and transfer to all fetuses delivered at greater than 20 weeks gestation;
- House Bill 220 and Senate Bill 183, duplicate bills which would add “late-term abortion” to the prohibitions in the Partial Abortion Act;
- House Bill 221, and Senate Bill 361, similar bills requiring an abortion provider to notify the parent or guardian of a minor (defined differently in the two bills) requesting an abortion,
- House Bill 473, which would decriminalize abortion.
- Senate Bill 282, which would require all hospitals to provide all reproductive health measures necessary to save the life or health of a woman.

TECHNICAL ISSUES

Usually the interim Committee on Health and Human Services takes testimony from experts on issues and then decides whether or not to propose legislation. In this case, the memorial would direct them to perform the study and then to propose legislation to align with the sponsors' beliefs on the issue.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The interim committee would decide whether or not to study or to take testimony or to develop legislation on parental notification of minors prior to abortion.