

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

House Bill 1168

(Delegate DeCarlo, *et al.*)

Environmental Matters

Women's Health Protection Act

This bill states that consent to an abortion is voluntary and informed if at least 18 hours prior to the abortion the physician who is to perform the abortion or the referring physician has informed the woman of: (1) the nature of the proposed procedure; (2) the risks associated with the procedure; (3) alternatives to the procedure that a reasonable woman would consider material to making the decision to have an abortion; (4) the probable gestational age of the fetus on the date the abortion is to be performed; and (5) the medical risks associated with a full-term pregnancy.

Fiscal Summary

State Effect: General fund expenditures could increase by an estimated \$7,600 in FY 2003. Future years reflect inflation. Revenues would not be affected.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	7,600	9,800	9,900	10,000	10,100
Net Effect	(\$7,600)	(\$9,800)	(\$9,900)	(\$10,000)	(\$10,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill also requires the woman to be informed at least 18 hours prior to the abortion that: (1) the Department of Mental Health and Hygiene (DHMH) publishes printed materials that: (a) describe the unborn child; (b) list agencies that offer alternatives to abortion; and (c) provide detailed information about medical assistance that may be available for prenatal care, childbirth, and neonatal care; (2) the father of an unborn child is responsible for child support; (3) the woman has a right to review the printed materials; (4) these materials are available on a State-sponsored website and can be accessed at a specified website address; and (5) a free copy of the printed materials will be provided to the woman if she chooses to review the materials.

If the woman seeking an abortion is the victim of a rape, the physician may omit that the father of an unborn child is responsible for child support in the information that is provided to the woman.

A physician who violates the bill's provisions is subject to disciplinary action. A physician may not be found in violation for failure to provide the required information if the physician certifies in the patient's medical records that the abortion was necessary to prevent the death of the patient.

Current Law: The State Board of Physician Quality Assurance may take disciplinary action against a physician for certain reasons. Those disciplinary actions may include reprimanding the physician, placing the physician on probation, or suspending or revoking the physician's license.

Chapter 1 of 1991 repealed requirements related to the provision of information before the performance of an abortion.

State Expenditures: DHMH does not currently publish the printed informational materials referred to in the bill. Consequently, general fund expenditures could increase by \$7,599 in fiscal 2003. This estimate reflects postage for mailing information regarding the bill's requirements to 1,500 providers and costs associated with publishing the printed informational materials. Future years reflect 1% annual inflation.

Additional Information

Prior Introductions: A similar bill, SB 645, was introduced during the 2001 session. There was a hearing in the Judicial Proceedings Committee, but no further action was taken.

Cross File: SB 581 (Senator Haines, *et al.*) – Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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