

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2577 - SB 2568

March 30, 2016

SUMMARY OF ORIGINAL BILL: Requires physicians which perform abortions to keep record as to the disposition of fetal remains and provide such details in the form and at the time the Commissioner of the Department of Health (DOH) prescribes. Requires any induced abortion reported to the Office of Vital Records to indicate whether the abortion involved a surgical abortion, and if so, which method, and further indicate which rule of the Board for Licensing Health Care Facilities (BLHCF) was employed to dispose of the fetal remains. Requires a mother, prior to a surgical abortion, to provide signed authorization as to the method of disposition for the aborted fetus.

Expands the Class E felony of offering or accepting money for an aborted fetus to include accepting any reimbursement of costs associated with the preparation, transfer, shipping, or handling of a fetus or fetal remains.

Requires the DOH to establish rules for the tracking and disposition of fetal remains resulting from surgical abortions. Requires any facility licensed by BLHCF which performs more than 50 surgical abortions annually to conduct an assessment of the facility's compliance with quality measures promulgated by the Board. Requires such facilities to develop a plan to correct any deficiencies discovered via the assessment and submit a plan of action to the DOH. Requires such assessment to include any serious injury resulting from the performance of an abortion and provide a plan to prevent future occurrences of such injury or death. Any failure of a facility with regards to making such assessment is grounds for discipline by the BLHCF.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (015213, 015053): Amendment 015053 deletes and replaces language in the bill such that substantive changes include substituting "aborted fetus or aborted fetal tissue" for "fetal remains," wherever it appears in the legislation and establishing that no record of disposition shall be required pursuant to a medical procedure that is solely a medical termination and the expulsion of the aborted fetus or fetal tissue does not take place at the facility or clinic where the procedure took place.

Amendment 015213 adds language to the bill as amended by amendment 015053, thereby requiring that any rules promulgated to implement the provisions of this bill be provided by the Secretary of State, upon approval by the Attorney General and Reporter, to the chairs of the Health Committee of the House of Representatives and the Health and Welfare Committee of the

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Senate at the same time the text of the rules are made available to the Government Operations Committees of the House of Representatives and Senate, respectively.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

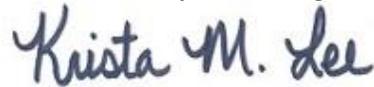
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the DOH, there are currently nine facilities that provide abortions, including six ambulatory surgical treatment centers and three hospitals.
- According to the DOH, the current required form for induced abortions can be used to collect additional information required by this proposed legislation and any additional investigatory work can be handled by existing staff during normal work hours.
- It is currently a Class E felony offense to offer or accept money or anything of value for an aborted fetus. The Department of Correction has not recorded admissions for this offense.
- It is assumed expanding this felony offense to include the acceptance of any reimbursement of costs associated with the preparation, preservation, transfer, shipping, or handling of an aborted fetus or fetal remains will not result in any additional admissions.
- It is assumed that the courts, district attorneys, and public defenders can handle any impact within their existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jdb