

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1490 – SB 1418

March 19, 2019

SUMMARY OF ORIGINAL BILL: Creates the Life Appropriation Act. Prohibits any state agency from awarding a grant to an individual or an entity that performs elective abortions or is an affiliate of an individual or entity that performs, induces, or provides abortion referrals, or counsels in favor of convenience abortions.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006229): Adds language to the original bill to establish that the Life Appropriation Act takes effect only to the extent that federal law, including judicial decisions, authorizes a state agency to deny family planning funds or other grant funds to an individual or an entity that performs elective abortions or is an affiliate of an individual or entity that performs, induces, or provides abortion referrals, or counsels in favor of convenience abortions.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the corrected fiscal note.

Assumptions for the bill as amended:

- Based on information provided by the Department of Health (DOH), the DOH receives annual funding from the Title X Family Planning program to provide high-quality, culturally sensitive family planning services and other preventive health care for low-income, under-insured and uninsured individuals who may otherwise lack access to health care.
- Pursuant to 42 CFR 59.5(a)(5), an agency that receives Title X Family Planning funding is prohibited from providing an abortion as a method of family planning. However, all agencies that receive Title X Family Planning funding are required to offer a pregnant woman the opportunity to be provided information and counseling regarding prenatal care and delivery, infant care, foster care, adoption and pregnancy termination. If requested to provide such information and counseling, the clinician is required to

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provide neutral, factual information and nondirective counseling on each of the options, and referral upon request, except with respect to any option(s) about which the pregnant woman indicates she does not wish to receive such information and counseling.

- Further, on March 4, 2019, the U.S. Department of Health and Human Services issued a final rule to clarify grantee responsibilities under Title X, to remove the requirement for nondirective abortion counseling and referral, to prohibit referral to abortion, and to clarify compliance obligations with state and local laws. The final rule is effective May 3, 2019. (<https://www.federalregister.gov/documents/2019/03/04/2019-03461/compliance-with-statutory-program-integrity-requirements>)
- The language of the proposed legislation appears to meet the requirements of the newly issued final rule and will not jeopardize federal Title X Family Planning funds should the new rule go into effect as planned.
- The proposed legislation will not jeopardize federal Title X Family Planning funds as it only takes effect to the extent that federal law, including judicial decisions, authorizes a state agency to deny family planning funds or other grant funds to an individual or an entity that performs elective abortions or is an affiliate of an individual or entity that performs, induces, or provides abortion referrals, or counsels in favor of convenience abortions.
- The total amount of Title X federal funding is \$6,710,000.

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

/vlh