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FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/11

SPONSOR Gutierrez LAST UPDATED _____ HB 291

SHORT TITLE Limited Scope Pregnancy Services Center Act SB _____

ANALYST Hanika-Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	None		

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications

SOURCES OF INFORMATION

LFC Files

Responses Received From

Health Policy Commission (HPC)

Aging and Long-Term Services Department (ALTSD)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Bill 291 enacts the Limited Scope Pregnancy Services Center Act (act) that requires a Limited Scope Pregnancy Services Center (Center) to: provide notice of the services the Center does *not* provide; post the hours when a licensed provider is on duty; provide immediate pregnancy test results; provide for the availability of public records; and establish criteria for violations of the act.

Section 2 defines a Center as a facility that provides pregnancy tests or ultrasounds and information about adoption or abortion, whether for a fee or as a free service, that may or may not have medical professionals and that does not provide prenatal medical care, birth control services, abortions or referrals for abortions; a Center does not include a health facility that provides family planning services and receives Federal Title 10 funds.

Section 3 defines that a person seeking services from a Center shall receive notice that the Center does not provide abortions or birth control services, referrals to individuals or organizations that provide these services or medical care for pregnant women, and is not required to comply with patient privacy laws. The bill requires posting of the hours during which a licensed practitioner

or ultrasound technician is on duty. The bill describes the manner and languages in which the notice shall be provided to a person seeking services. The bill requires that a person receiving services be informed if the pregnancy test is an over-the-counter product, and needs to be self-administered.

Section 4 requires that all information provided be medically and factually accurate.

Section 5 requires that the results of a pregnancy test be communicated to the patient, that assistance shall be provided to the patient for application to Medicaid, as appropriate, and the patient shall be allowed to examine the medical record.

Section 6A appears to duplicate subsection 7A, and establishes that violations of the act are also violations of the Unfair Practices Act and lists those violations. Section 7B, 7C, and 7D provide for the Attorney General to investigate violations of the act, and imposes penalties.

FISCAL IMPLICATIONS

*The bill provides that a violation of the act is a misdemeanor punishable by imprisonment in the county jail for a term less than one year or to the payment of a fine not more than \$1,000 or both. It is unknown if these penalties will cover the AG's expenses to investigate and enforce the act. In any event, these activities do fall within the AG's enforcement responsibilities.

SIGNIFICANT ISSUES

The goal of the bill is to ensure that women are provided with factual information about contraceptives and abortion so they can make informed decisions about their health care.

Violations of the act include failure to disclose required information, failure to post the required notices, failure to timely inform a client that she is pregnant and failure to provide a client with the documentation necessary to enable her to obtain Medicaid benefits.

Limited scope pregnancy services centers, often called "crisis pregnancy centers" or "pregnancy resource centers," are sometimes run by organizations that are opposed to abortion. These Centers generally do not provide abortion services, information, or referrals. Most will not provide or refer for contraceptives.

HPC further notes that there is concern that some of these Centers may provide inaccurate information about pregnancy, abortion, contraception, and sexually transmitted infections or misleading information designed to delay a woman's decision about an unplanned pregnancy. There is also concern that limited scope pregnancy services centers have refused to give women their records or written pregnancy test results.**PERFORMANCE IMPLICATIONS**

In order to promote the uniform administration of the Unfair Practices Act [Chapter 57, Article 12 NMSA 1978] in New Mexico, the attorney general is responsible for its enforcement, but he may in appropriate cases delegate this authority to the district attorneys of the state .

ADMINISTRATIVE IMPLICATIONS

The bill requires a notice of available services be provided to people seeking services at a Center and sets standards on the delivery of these services.

OTHER SUBSTANTIVE ISSUES

DOH notes that the bill is similar to a new city ordinance in Baltimore, Maryland that requires truth in advertising from crisis pregnancy centers. This ordinance requires crisis pregnancy centers to post signs in their waiting rooms indicating that they do not provide or make referrals for abortion or comprehensive birth control services. This ordinance is being challenged in the Maryland courts. Legislators in the State of Washington are also pursuing similar legislation, which would require pregnancy centers to provide accurate information about the services they provide, to deliver pregnancy test results immediately, and to protect the privacy of health care information collected from the public seeking services.

Low income and minority women may be more likely to use these Centers due to low or no-cost services.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Centers will not be required to provide notice of the services it provides or encourage pregnant women to consult with a licensed health care provider.

AHO/bym