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FISCAL IMPACT REPORT

ORIGINAL DATE 02/01/11

SPONSOR Sharer LAST UPDATED _____ HB _____

SHORT TITLE Unlawful Contact by Abortion Clinic Staff SB 225

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$2.0 - \$15.0	\$2.0 - \$15.0	\$4.0 - \$30.0	Recurring	Various

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Office of the Attorney General (AGO)

Administrative Offices of the District Attorneys (AODA)

Health Policy Commission (HPC)

SUMMARY

Synopsis of Bill

Senate Bill 225 makes it unlawful for persons who work at health facilities that perform abortions, to repeatedly contact a patient or their family member against their wishes about the patient's health or payment for services, unless there is reasonable justification.

FISCAL IMPLICATIONS

Pursuant to the criminal code, any person convicted of a misdemeanor crime shall be sentenced to county jail for a term less than one year or to the payment of a fine not more than one thousand dollars or both.

This new crime will incur costs to the judiciary to investigate, prosecute, defend and punish the offender. The table above tries to suggest the potential impact to judiciary operating funds.

This year, LFC is making a considerable effort to quantify revenue, appropriation and operating budget impacts. This quantification may require adopting new, somewhat untested methods. Quantifying the fiscal impact of this bill is a clear example of this approach.

The AODA reports that this new crime will probably not generate many cases and so the fiscal impact should be minimal.

SIGNIFICANT ISSUES

Under SB 225, if an employee who works for a health facility that performs abortions repeatedly contacts an individual for the collection of payment for services against that person's wishes, and if the employee lacks "reasonable justification" for doing so, he or she is guilty of a misdemeanor.

PERFORMANCE IMPLICATIONS

The AGO suggests that the bill appears to duplicate and overlap with existing consumer protection laws that protect against harassment by debt collectors.

TECHNICAL ISSUES

The AGO states that the bill does not define the "contact" it is designed to make criminal, and therefore is ambiguous as to whether it means oral or physical contact, or both.

The bill may benefit from a definition of what is "reasonable justification" that would allow for repeated attempts to contact a patient.

OTHER SUBSTANTIVE ISSUES

DOH reports that in order to provide safe medical care, it is common practice for a health care professional to contact patients for follow-up. SB 225 could pose a barrier for a licensed health care professional to be able to ensure their patient's continued well being.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Current patient follow up and billing practices by licensed health care professionals who perform abortions will remain unchanged.

AHO/bym