



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	HB0171
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Title:	Adopt the Montana Abortion-Inducing Drug Risk Protocol Act
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Primary Sponsor:	Greef, Sharon
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Status:	As Introduced
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- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
Expenditures:				
General Fund	\$1,200	\$0	\$0	\$0
State Special Revenue	\$800	\$0	\$0	\$0
Federal Special Revenue	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
State Special Revenue	\$0	\$0	\$0	\$0
Federal Special Revenue	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u><u>(\$1,200)</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>	<u><u>\$0</u></u>

Description of fiscal impact: HB 171 requires the Department of Public Health and Human Services (DPHHS) to create forms for use by facilities and medical practitioners to report information related to chemical induced abortions. DPHHS will be required to update its existing database structure to collect the additional data elements on the forms.

FISCAL ANALYSIS

Assumptions:

Department of Public Health and Human Services (DPHHS)

1. Sections 7, 8, and 9 require DPHHS to create forms and publish materials.
 - a. Section 7 requires DPHHS to create a form for use by qualified medical practitioners to obtain informed consent prior to providing a chemical induced abortion.

- b. Section 8 requires DPHHS to publish materials on informed consent for abortion.
 - c. Section 9 requires DPHHS to create a form to be used by qualified medical practitioners to report the administration of chemical induced abortions. This section also requires DPHHS to create a form for qualified medical practitioners to report instances of an adverse event to a chemical induced abortion.
 - d. DPHHS will create these forms using existing resources and make the forms available on its website for download by facilities and qualified medical practitioners.
2. Section 9 (6) requires DPHHS to prepare and provide annual reports to the Montana Legislature and the Centers for Disease Control and Prevention (CDC) of aggregate data based upon the information gathered pursuant to the bill.
 3. The Office of Vital Statistics will need to alter the existing database to collect the additional data elements on the forms. This would take an estimated 40 hours to complete (\$50 x 40 hours = \$2,000). The Office of Vital Statistics and Office of Vital Records is funded by 60% general fund and 40% state special revenue from fees received.
 4. Section 9 (11) requires DPHHS to communicate the reporting requirements to all medical professional organizations, medical practitioners, and facilities operating in the state. DPHHS will meet this requirement by providing the forms on DPHHS websites and sending a provider notice to approximately 14,000 providers through existing provider distribution lists.

Judicial Branch

5. This bill creates the Montana Abortion-Inducing Drug Risk Protocol Act which establishes requirements for providing abortion-inducing drugs, requires informed consent, establishes reporting requirements and provides criminal penalties and civil remedies.
6. New Section 11 creates criminal penalties for a person who purposely or knowingly or negligently violates any provision of this bill. New Section 12 provides civil remedies for failure to comply with the requirements of this bill.
7. The number of district court cases may increase as a result of this legislation; however, the Judicial Branch is unable to estimate the impact on judicial workload or the fiscal impact. The cumulative impact of such legislation may eventually require additional resources because the court dockets currently are full in many judicial districts throughout the state.

Department of Corrections (DOC)

8. This bill could have a potential impact on the DOC if there are any cases which could be prosecuted due to the changes proposed in this bill. The DOC is unable to determine how many new cases would be prosecuted under the proposed changes and the new felony.
9. If a person is convicted of a felony under this language, the cost of incarceration is \$41,803 per year per male inmate and \$42,401 per year per female inmate.

Office of the State Public Defender (OPD)

10. The OPD has the statutory obligation to represent individuals charged with a crime who cannot afford to hire counsel, represent individuals on direct appeal and to provide counsel if there is a conflict of interest. If passed, this legislation would create a new felony penalty for providers who purposely or knowingly or negligently violate the provisions. The OPD assumes the language presented in Section 11 could result in an increase in felony charges, however, we are unable to quantify at this time due to broad language in the legislation.

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	0.00	0.00	0.00	0.00
<u>Expenditures:</u>				
Operating Expenses	\$2,000	\$0	\$0	\$0
TOTAL Expenditures	\$2,000	\$0	\$0	\$0
<u>Funding of Expenditures:</u>				
General Fund (01)	\$1,200	\$0	\$0	\$0
State Special Revenue (02)	\$800	\$0	\$0	\$0
Federal Special Revenue (03)	\$0	\$0	\$0	\$0
TOTAL Funding of Exp.	\$2,000	\$0	\$0	\$0
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$0	\$0	\$0	\$0
Federal Special Revenue (03)	\$0	\$0	\$0	\$0
TOTAL Revenues	\$0	\$0	\$0	\$0

Net Impact to Fund Balance (Revenue minus Funding of Expenditures):

General Fund (01)	(\$1,200)	\$0	\$0	\$0
State Special Revenue (02)	(\$800)	\$0	\$0	\$0
Federal Special Revenue (03)	\$0	\$0	\$0	\$0

Technical Notes:

- Section 9(2) of HB 171 specifies detailed information that must be reported to DPHHS following a chemical induced abortion including the pregnant woman’s age, race, county, state, and country of residence. However, Section 9(3) prohibits the reports from containing “other information or identifiers” that would make it possible to identify a woman who obtains a chemical induced abortion. Section 9(10) of the bill prohibits DPHHS from maintaining statistical information that may reveal the identity of a woman obtaining a chemical induced abortion. These provisions appear to conflict with one another because in rural counties the information required to be reported may be enough to identify the woman.
- The Montana Abortion Control Act (Mont. Code Ann. §§ 50-20-101 et seq.) regulates informed consent, reporting requirements, and information that must be furnished by DPHHS on abortions. It is unclear whether HB 171 requirements for informed consent and materials to be provided by DPHHS are intended to control over the current requirements of the Act.

NOT SIGNED BY SPONSOR

Sponsor’s Initials

1/22/21
Date

KA
Budget Director’s Initials

1/24/21
Date