

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 891** HLS 18RS 2085  
 Bill Text Version: **ENGROSSED**  
 Opp. Chamb. Action: **W/ SEN FLOOR AMD**  
 Proposed Amd.:  
 Sub. Bill For.: HB 338

<b>Date:</b> May 16, 2018	2:42 PM	<b>Author:</b> HOFFMANN
<b>Dept./Agy.:</b> Statewide		<b>Analyst:</b> Alan M. Boxberger
<b>Subject:</b> Prohibit public funding for entities that perform abortions		

ABORTION EGF NO IMPACT See Note Page 1 of 1  
 Provides relative to the prohibition on public funding for entities that perform abortions

Present law provides that no institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon, any entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions. Proposed law removes references to contracting, thereby causing the prohibition to apply only to funding mechanisms other than contracts; provides that entities prohibited from receiving public funding are those that perform abortions, provides its own facilities to another entity or organization for the purposes of performing abortions, hire or retain another entity or organization for the purpose of performing abortions, or provide reimbursable Medicaid services in the same facility as a licensed outpatient abortion facility; stipulates that the prohibition on public funding shall apply any public funds for procuring goods or services, or for providing medical assistance program services, reimbursements, or grants; provides that the prohibition of public funding shall not be construed to prohibit providing public protections, public utilities or other services to any entity in the same manner as to the general public; provides that each abortion facility's location shall be physically and financially separate from any facility where publicly funded Medicaid services are provided; and makes technical changes.

<b>EXPENDITURES</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

<b>REVENUES</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure. Proposed law clarifies that public entities shall not award any grant to, or otherwise bestow funding upon an entity or organization that does any of the following: perform abortions, provides its own facilities to another entity or organization for the purposes of performing abortions, hire or retain another entity or organization for the purpose of performing abortions, or provide reimbursable Medicaid services in the same facility as a licensed outpatient abortion facility. Proposed law applies to state, federal, and any other public funds for procuring goods or services, or for providing medical assistance program services, reimbursements or grants. Proposed law specifies that the prohibitions shall not be construed to prohibit provision of public protections, such as fire, police or emergency medical services, public utilities, or other such services to any entity or organization in the same manner as provided to the general public. Proposed law requires that each abortion facility's location shall be physically and financially separate from any facility where publicly funded Medicaid services are provided. Proposed law does not restrict funding to any entity that may be engaged in performing certain abortions performed in accordance with applicable state and federal laws (necessary to prevent death of the mother, when the mother is a victim of incest or rape, when a pregnancy is diagnosed as medically futile).

The Louisiana Department of Health (LDH) reports that proposed law will result in no material fiscal impact for the state. The bill places no restrictions on physicians' offices or hospitals from performing authorized surgical procedures including abortions, elective or otherwise. Elective procedures are not billed to Medicaid. For informational purposes, according to the Office of Public Health (OPH) there were four facilities and five physicians performing abortions in 2017 in accordance with the definition of abortion under R.S. 40:1061.9.

LDH reports that it has no mechanism for monitoring compliance other than to perform manual record reviews and/or site visits in the event a grievance is filed. In order to enforce the provisions of proposed law, LDH reports it will utilize existing staff to regularly monitor funding to providers that report abortion procedures to OPH and to monitor compliance with reporting requirements.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**