

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



Fiscal Note On: **SB 388** SLS 22RS 416

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action: **w/ HSE COMM AMD**

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 23, 2022	5:41 PM	<b>Author:</b> HEWITT
<b>Dept./Agy.:</b> Statewide		<b>Analyst:</b> Tanesha Morgan
<b>Subject:</b> Abortion		

ABORTION RE1 INCREASE GF EX See Note Page 1 of 1  
Prohibits the sale of certain abortion-inducing drugs without a prescription and provides for criminal penalties. (8/1/22)

Proposed law expands the definition for the crime of criminal abortion to include the delivering, dispensing, distributing, or providing a pregnant woman with an abortion-inducing drug when the person administering the drug is not a physician licensed by the state who administers the abortion-inducing drug in person to the pregnant woman. Proposed law increases the criminal penalties when a person knowingly performs a criminal abortion that results in the death or serious bodily injury of the pregnant woman to a prison term of not less than five nor more than 10 years, fined not less than \$10,000 nor more than \$75,000, or both. Proposed law further provides that, if the recipient of the criminal abortion is under the age of 18, the criminal penalty increases to imprisonment at hard labor for not less than 15 years nor more than 50 years, fined not less than \$15,000 nor more than \$100,000, or both. Proposed law prohibits the sale or distribution of any abortion-inducing drug that may be sold, prescribed, dispensed, distributed, or delivered in Louisiana without a prescription of a duly licensed physician who is physically present with the pregnant woman when the drug is administered.

<b>EXPENDITURES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</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	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						

**EXPENDITURE EXPLANATION**

Proposed law expands the definition of criminal abortion and criminalizes delivering, dispensing, distributing, or providing a pregnant woman with an abortion-inducing drug in certain circumstances. The exact fiscal impact of the passage of this legislation is indeterminable, since the legislation creates new crimes and it is not known how many individuals will be convicted of these crimes. However, any offender sentenced to the custody of DPS&C increases SGF expenditures by \$26.39 per day per offender in adult local housing and \$83.23 per day per offender in a state facility. Any offender convicted of these crimes would cost DPS&C \$9,632 annually (\$26.39 per day per offender x 365 days) per offender in adult local housing and \$30,379 annually (\$83.23 per day per offender x 365 days) per offender in a state facility.

There will be an increase in local expenditures to the extent a person is convicted of delivering of an abortion-inducing drug to a person in Louisiana by mail-order, courier, or as a result of a sale made via the internet and is sentenced to imprisonment without hard labor (a misdemeanor). The expenditure increase will depend on the number of persons convicted, the minimum sentence an offender serves, and the cost per day for a local law enforcement agency to incarcerate an offender.

**REVENUE EXPLANATION**

There may be an indeterminable increase in local funds revenue as a result of potential fines if a person is convicted of these new crimes. The maximum fine is \$100,000 and the potential revenue will accrue to the local government entities.

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**  
**Interim Deputy Fiscal Officer**