

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL:	H.B. 421	DATE:	November 12, 1997
STATUS:	As Passed by the House	SPONSOR:	Rep. Luebbbers
LOCAL IMPACT STATEMENT REQUIRED:	No — No local cost		
CONTENTS:	Modifies the requirements associated with both patient notification prior to an abortion and parental or judicial consent prior to an abortion on an unemancipated minor		

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on local governments.
-

Detailed Fiscal Analysis

Patient Notification

Through current law and a 1994 Attorney General opinion, a physician is required to provide a pregnant woman with certain information regarding the particular abortion procedure at least 24 hours prior to the performance of an abortion. The physician is required to meet privately with the woman to provide an opportunity to ask questions, but the meeting does not need to take place at least 24 hours prior to the abortion procedure.

The bill requires the physician to privately meet with the pregnant woman at least 24 hours in advance to provide the specified information regarding the abortion procedure and to provide an opportunity for the woman to ask questions. The bill does not require that the meeting take place at the facility where the procedure will be performed and the physician involved in the meeting is not required to be affiliated with the physician who is scheduled to perform the procedure. These provisions should not have a direct fiscal effect on the state or local governments.

Parental and Judicial Consent

Under current law, §2919.12, an unemancipated minor has four methods for legally pursuing an abortion. First, the minor and at least one of the minor's parents, guardians or custodians could give consent to the procedure. Second, a juvenile court could issue an order authorizing the minor to consent without notification of the appropriate parties. Third, the minor could give actual notice or, barring that, constructive notice to a parent, guardian, custodian or



designated family member. Lastly, a lack of action by either the court or the court of appeals could be construed as judicial consent for the procedure.

The bill would eliminate both the notification method and the constructive authorization method, but would permit an unemancipated minor to seek either the appropriate written consent or a court order authorizing or consenting to the procedure. The elimination of these two methods will not have a direct fiscal effect upon the state. However, it is likely that such a change will be challenged in the courts. The bill addresses this possibility by maintaining that the current law applies if §2919.121 is enjoined. Also, an indirect result of this change could be an increase in the number of minors with children seeking public assistance.

The bill should not have a direct fiscal effect upon local governments. The provision for seeking a court order authorizing or consenting to an abortion is the same as found under the current provision in §2151.85. Both of the provisions do not require filing fees and both prohibit the assessment of court costs, so revenue is not affected. It is difficult to determine what the total indirect fiscal effects of this provision may be on local expenditures. The absence of constructive authorization could diminish the number of unemancipated minors who would seek a court order for an abortion. Additionally, the number of unemancipated minors seeking court orders is likely to depend on the factors used in making the choice between seeking parental consent and seeking a court order.

□ *LBO staff: Barbara Petering, Senior Analyst
Corey Schaal, Budget/Policy Analyst*

H:\FN122\HB0421HP.DOC