



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 3114 As signed by the Governor on May 25, 2016  
**Author:** Nanney  
**Subject:** SC Pain-Capable Unborn Child Protection Act  
**Requestor:** House of Representatives  
**RFA Analyst(s):** Stein, Shealy, and Gardner  
**Impact Date:** August 9, 2016

**Estimate of Fiscal Impact**

	<b>FY 2016-17</b>	<b>FY 2017-18</b>
<b>State Expenditure</b>		
General Fund	\$125,000	\$75,000
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	1.40	0.00
<b>State Revenue</b>		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
<b>Local Expenditure</b>	\$0	\$0
<b>Local Revenue</b>	\$0	\$0

**Fiscal Impact Summary**

This bill will increase General Fund expenditures by \$125,000 in the first year and \$75,000 each year thereafter. This bill would have no expenditure impact on Federal Funds and minimal expenditure impact on Other Funds, which would be absorbed within existing resources.

**Explanation of Fiscal Impact**

**Explanation of Bill Signed by the Governor on May 25, 2016**

**State Expenditure**

The amended bill enacts the “Pain-Capable Unborn Child Protection Act.” The bill prohibits abortions on fetuses over 20 weeks old but allows exceptions for fetal anomaly and certain health conditions of the mother. The bill requires licensed facilities performing an abortion to report specific information regarding each procedure to the Department of Health and Environmental Control (DHEC); provides reporting guidelines for maintaining the confidentiality of individuals; and provides penalties for violations. The bill requires DHEC to publish an annual report providing statistics on abortions performed in the state. The bill requires DHEC to adopt forms and promulgate regulations to assist with compliance. Any facility failing to submit a complete or falsified report is subject to fines and penalties. Any physician who intentionally or knowingly violates abortion guidelines contained in Section 44-41-440 and Section 44-41-450 is guilty of a misdemeanor and is subject to fines, imprisonment or both.

**Department of Health and Environmental Control.** The department estimates that this bill would require an additional 1.40 FTE positions and would cost the agency approximately \$75,000 for salaries and fringes annually. In addition, a one-time cost of approximately \$50,000

would be needed in the first year to modify the agency's information systems software to capture the required information. The bill requires the agency to monitor the system to insure complete and timely reporting, collect late fees, and bring legal action against non-compliant physicians. Since the number of non-compliant physicians is unknown, it is not possible to estimate the cost of bringing legal action.

**Other Agencies.** The Judicial Department, Department of Corrections, Office of the Attorney General, and Prosecution Coordination Commission all report that this bill would have a minimal impact on their agencies, which can be absorbed within their current level of funding.

**State Revenue**

N/A

**Local Expenditure and Revenue**

N/A

**Explanation of Bill Filed on December 11, 2014**

**State Expenditure**

House Bill 3114 enacts the "Pain-Capable Unborn Child Protection Act." The bill prohibits abortions on fetuses over 20 weeks old but allows for certain exceptions. The bill requires all physicians performing an abortion to report the procedure to the Department of Health and Environmental Control (DHEC); provides reporting guidelines for maintaining the confidentiality of the individuals; and provides penalties for violations. The bill requires DHEC to publish an annual report providing statistics on abortions performed in the state. The bill requires the Department of Health and Human Services to adopt forms and promulgate regulations to assist with compliance. The bill provides for civil rights-of-action, injunctive relief, fines, and criminal penalties.

**Department of Health and Environmental Control.** The department estimates that this bill would require an additional 1.40 FTE positions and would cost the agency approximately \$75,000 for salaries and fringes annually. In addition, a one-time cost of approximately \$50,000 would be needed in the first year to modify the agency's information systems software to capture the required information. The bill requires the agency to monitor the system to insure complete and timely reporting, collect late fees, and bring legal action against non-compliant physicians. Since the number of non-compliant physicians is unknown, it is not possible to estimate the cost of bringing legal action.

**Other Agencies.** The Judicial Department, Department of Corrections, Office of the Attorney General, Prosecution Coordination Commission, and the Department of Health and Human Services all report that this bill would have a minimal impact on their agencies, which can be absorbed within their current level of funding.

**State Revenue**

N/A

**Local Expenditure and Revenue**

N/A

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Frank A. Rainwater, Executive Director