

Department of Planning and Budget 2017 Fiscal Impact Statement

1. **Bill Number:** HB 2186

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Boysko

3. **Committee:** Courts of Justice

4. **Title:** Whole Woman's Health Act; performance of abortions.

5. **Summary:** Provides that a woman has a fundamental right to obtain a lawful abortion and that no statute or regulation shall be construed to prohibit the performance of an abortion prior to viability or if necessary to protect the life or health of the woman. The bill also provides that any statute that places a burden on a woman's access to abortion without conferring any legitimate health benefit is unenforceable. The bill expands who can perform first trimester abortions from physicians to any health care providers licensed by the Board of Medicine or the Board of Nursing. The bill eliminates the requirement that second trimester abortions be performed in a licensed hospital. The bill eliminates the requirement that two other physicians certify that a third trimester abortion is necessary to prevent the woman's death or impairment of her mental or physical health as well as the need to find that the woman's health would be substantially and irretrievably impaired. The bill eliminates all the procedures and processes, including the performance of an ultrasound, required to effect a woman's informed written consent to the performance of an abortion; however, the bill does not change the requirement that a woman's informed written consent is first obtained. The bill removes language classifying facilities that perform five or more first trimester abortions per month as hospitals for the purpose of complying with regulations establishing minimum standards for hospitals. The bill also removes the prohibition on the sale of health insurance policies that provide coverage for abortions through an exchange established or operated pursuant to the federal Patient Protection and Affordable Care Act. The provisions of this bill are in response to the U.S. Supreme Court decision in *Whole Woman's Health v. Hellerstedt*, 136S. Ct. 2292 (2016).

6. **Budget Amendment Necessary:** No.

7. **No Fiscal Impact.**

8. **Fiscal Implications:** This bill would not have a fiscal impact on the Commonwealth.

9. **Specific Agency or Political Subdivisions Affected:** None.

10. **Technical Amendment Necessary:** No.

11. Other Comments: None.