

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: Senate Bill 437 requires that any physician performing an abortion has active admitting privileges in a hospital no more than 30 miles from where he or she is performing the abortion. Senate Bill 437 requires the physician to provide the woman undergoing the abortion procedure with certain contact information and provides for penalties for failing to do so.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The requirement of Senate Bill 437, that the physician performing the abortion have admitting privileges within 30 miles from the location at which the abortion is performed, may be unduly burdensome on the pregnant woman. While many states have placed limitations on the federal mandate allowing a woman to have an abortion, the conflict arises when state law imposes an undue burden on a pregnant woman. *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992). As many New Mexican women live in rural areas, the requirement of having the procedure performed within 30 miles of a hospital may be considered unduly burdensome.

Senate Bill 437 also requires that the physician performing the abortion or other “health care personnel” be available 24 hours a day to provide medical records or other assistance. Again, it may be difficult in rural areas to find providers who are able to meet the requirements of the bill, making it more difficult for women to have access to these services. This calls into question whether the requirements of the bill are unduly burdensome.

Additionally, “health care personnel” is undefined.

PERFORMANCE IMPLICATIONS

Senate Bill 437 provides for criminal misdemeanor penalties for physicians in violation of the act. The Attorney General’s Office may be one agency investigating and prosecuting violations

of the act. This requires the Office to potentially dedicate resources to these prosecutions, which may impact the agency's other activities.

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A