



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

SENATE BILL NO. 3

PRINTERS NO. 283

PRIME SPONSOR: Brooks

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

Senate Bill 3, Printer's Number 283 amends Title 18 (Crimes and Offenses) by further amending Chapter 32 (Abortion).

ANALYSIS:

SB 3 makes several changes to the Abortion Control Act (Chapter 32) of the Crimes Code. The legislation amends Sections 3203 (Definitions), 3204 (Medical consultation and judgment), 3211 (Abortion of 24 or more weeks of gestational age) and adds a new Section 3211.1 (Dismemberment abortion ban).

Section 3203 is amended by adding the definition of "Dismemberment abortion." Section 3204 is amended by requiring a woman to have a private, in-person medical consultation before an abortion is performed; except in a medical emergency where there is insufficient time before an abortion is performed. Section 3211 is amended to prohibit an abortion when the gestational age of the unborn child is 20 or more weeks, except in the case where it is deemed medically necessary by a physician.

New Section 3211.1 prohibits dismemberment abortions when the gestational age of the unborn child is less than 20 weeks, unless a physician certifies that based on medical examination and medical judgement the abortion is necessary to prevent either the death of the pregnant woman or the substantial or irreversible impairment of a major bodily function of the woman. The Section clarifies that liability for performing a dismemberment abortion will not fall on the patient, a nurse, technician, secretary or receptionist who is acting at the direction of the physician or a pharmacist or other individual who fills a prescription or provides instruments or materials used in a dismemberment abortion at the direction of or to a physician.

An individual who violates new Section 3211.1 (a) commits a felony of the third degree (up to 7 years in prison/ fine up to \$15,000).

This legislation will be effective in 60 days.

FISCAL IMPACT:

Enactment of this legislation would have an unknown fiscal impact on Commonwealth funds. Insufficient data makes it difficult to accurately determine how many individuals would be charged, convicted and sentenced with this new offense. According to the Pennsylvania Commission on Sentencing, no individuals have been convicted of violating the Abortion Control Act (Title 18, Chapter 32) in 2015 and 2016.

PREPARED BY: Jenny P. Stratton
House Appropriations Committee (R)

DATE: December 11, 2017

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.