

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 654 - HB 1539**

March 24, 2021

**SUMMARY OF BILL:** Creates the *Rule of Law Life Act*. Prohibits an abortion when there is a detectable heartbeat, or there is an otherwise viable pregnancy. Establishes that a pregnancy is presumed to exist and be viable upon finding the presence of human chorionic gonadotropin (HCG). Establishes that a pregnancy is confirmed to be viable upon the detection of a heartbeat in an unborn child using a test that is consistent with standard medical practice. Establishes that a pregnancy is not viable only if a test that is consistent with standard medical practice indicates decreasing levels of HCG and the absence of a heartbeat in an unborn child.

Establishes that this new section governs abortion. Further establishes that Tenn. Code Ann. §§§ 39-15-201, 39-15-211, and 39-15-212 should not be enforced unless this section is temporarily or permanently restrained, enjoined, or otherwise unenforceable and only in compliance with specific criteria; provided, any conduct committed will be prosecuted pursuant to Tenn. Code Ann. § 39-11-112.

Requires a physician to record in the pregnant woman's medical record the estimated gestational age of the unborn child, the test used to determine viability, the date and time of the test, and the results.

Restates it is a Class C felony and requires the license of the physician to be revoked if an abortion is purposely performed, induced or attempted upon a woman when the pregnancy is viable. Restates it is a Class A misdemeanor for violation of viability determination or failure to record the required information in the pregnant woman's medical record.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- The proposed legislation may result in an increase in ultrasounds; however, it is assumed they will meet the Department of Finance and Administration, Division of Benefit Administration's carrier's medical necessity requirement and will not significantly impact any managed-care plans for employees of state government, local government or local education agencies.
- The Division of TennCare (Division) only covers abortions under emergent circumstances; therefore, any fiscal impact to the Division is estimated to be not significant.

- Any necessary rule changes by boards under the Division of Health-Related Boards can be accommodated within the appropriate board's regularly-scheduled meetings at no additional cost.
- No new prosecutions will occur or penalties will be issued from the restatement of the current Class C felony or Class A misdemeanor included in the proposed legislation. Therefore, any impact to incarcerations is considered not significant.
- The proposed legislation will not result in a significant increase in caseloads for the state and local courts. Any increase in expenditures will be absorbed within existing state and local resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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