



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 419 of the 131st G.A.

Date: January 27, 2016

Status: As Introduced

Sponsor: Reps. Sears and Ginter

Local Impact Statement Procedure Required: No

Contents: Requires the Ohio Department of Health to adopt rules regarding the disposition of fetal remains from abortions

State Fiscal Highlights

- State government-owned hospitals may experience an increase in costs for burial, cremation, or an approved hospital type of incineration. However, the number of abortions performed in these hospitals each year is few; thus, any costs should be minimal.
- The Ohio Department of Commerce might realize a gain in fee revenue if burial permits are needed.
- The Ohio Department of Health (ODH) may experience an increase in survey costs to ensure facilities that perform abortions are in compliance with the bill.
- ODH may experience a minimal increase in administrative costs to adopt rules.

Local Fiscal Highlights

- Local government-owned hospitals may experience an increase in costs for burial, cremation, or an approved hospital type of incineration. However, the number of abortions performed in these hospitals each year is few; thus, any costs should be minimal.
- Local registrars of vital statistics, which include local health departments, could incur additional administrative costs and collect additional revenue if burial permits are needed.

Detailed Fiscal Analysis

The bill removes current law requiring the Ohio Department of Health (ODH) to adopt rules relating to the humane disposition of the product of human conception. Instead, the bill requires ODH to adopt rules that instruct facilities authorized to perform abortions to dispose of the product of human conception in one of the following methods: burial, cremation, or an approved hospital type of incineration. The bill specifies that rules adopted under the bill must be consistent with section 2317.56 of the Revised Code, which among other things, imposes various informed consent requirements and provides for the publication on ODH's website of certain information. ODH may experience a minimal amount of administrative costs to adopt these rules.

Currently, ODH is responsible for conducting on-site inspections/surveys of ambulatory surgical centers for compliance with state and federal rules and regulations. If ODH needs to ensure compliance with the bill's requirements regarding fetal disposition, ODH could do so through the current survey process at minimal additional costs. However, ODH does not license or survey hospitals. According to ODH, 115 hospitals in Ohio provide obstetrics and gynecology units or maternity units. The cost to survey each of these hospitals is estimated to be approximately \$600 per hospital.

Government-owned hospitals may experience an increase in costs as a result of the rules adopted by ODH. Government-owned hospitals could experience an increase in costs to pay for burial, cremation, or incineration of remains. However, less than 0.4% of abortions in Ohio were performed in hospitals in 2014.¹ This percentage includes abortions performed in all hospitals in Ohio, both government-owned and nongovernment-owned, so the percentage of abortions performed in government-owned hospitals² would be smaller. Thus, LSC assumes that burial, cremation, or incineration costs to government-owned hospitals should be minimal.

Continuing law prohibits a person in charge of any premises in which interments or cremations are made from interring or cremating a body, unless it is accompanied by a burial permit.³ As a result of the bill, local registrars of vital statistics, which include local health departments, could incur additional administrative costs and collect additional revenue associated with the issuance of burial permits. A portion of any burial permit fee revenue would be deposited in the state treasury to the credit of the Ohio Department of Commerce. Government-owned hospitals could also incur additional costs to obtain burial documents. However, any such costs would be negligible.

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¹ According to ODH's report entitled "Induced Abortions in Ohio," 84 of the total 21,186 abortions were performed in hospitals in 2014. In 2013, 89 of the total 23,216 abortions were performed in hospitals and in 2012, 112 of the total 25,473 abortions were performed in hospitals.

² According to ODH's hospital registry, there are currently 15 government-owned hospitals.

³ R.C. 3705.17, not in the bill.