



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0130 Date: March 3, 2022
Prime Sponsors: Rep. Froelich; Esgar Bill Status: House Health & Insurance
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Bill Topic: REPRODUCTIVE HEALTH EQUITY ACT

Summary of Fiscal Impact: No fiscal impact. The bill codifies an individual's right to make reproductive health care decisions without government interference.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

This bill creates the Reproductive Health Equity Act to codify an individual's fundamental right to reproductive autonomy, including the right to use or refuse contraception and the right to continue or terminate a pregnancy.

Background

Department of Public Health and Environment (CDPHE). Pursuant to the federal Title X of the Public Health Service Act, all Title X services must be provided on a voluntary basis and patients must always have the right to use or not use whatever contraceptive method they prefer.

Department of Health Care Policy and Financing (HCPF). The state Medicaid program, operated by HCPF, currently covers family planning and family planning related services for members. These services do not require a copay if the services are focused on preventing, delaying, or planning for a pregnancy, such as contraceptives or sterilization services. Medicaid also covers family planning-related drugs and does not require a copay for contraceptives and emergency contraceptives. Medicaid only covers abortions as allowable under federal law.

Assessment of No Fiscal Impact

This bill is assessed as having no fiscal impact for several reasons. First, the bill aligns with current federal requirements, program guidance, and current operations in the CDPHE concerning Title X public health services. Second, it is assumed that instances where Medicaid does not cover contraceptives, abortions, or family planning does not constitute “denying, restricting, interfering with, discriminating against, or depriving through punishment” those services by HCPF, as it is assumed that not covering a service through a health plan does not interfere with the fundamental right to seek those services generally.

Additionally, it is assumed that state and local government agencies will comply with the all requirements and obligations set forth in state law, and the fiscal note does not estimate or include any fiscal impacts related to violations of any fundamental rights specified in the bill. If the bill results in litigation claiming such violations, the Department of Law will provide legal services to the affected agency or agencies within existing appropriations, or work with impacted state agencies to determine if additional resources are required through the annual budget process.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Human Services

Counties
Law

Health Care Policy and Financing
Public Health and Environment