



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0540	<b>Date:</b>	March 13, 2023
<b>Prime Sponsors:</b>	Sen. Winter F.; Marchman Rep. McCormick; Epps	<b>Bill Status:</b>	Senate Judiciary
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<b>Bill Topic:</b>	<b>DECEPTIVE TRADE PRACTICE PREGNANCY-RELATED SERVICE</b>
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<b>Summary of Fiscal Impact:</b>	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill makes it a deceptive trade practice to advertise abortions or emergency contraceptives that are not provided and makes it unprofessional conduct for regulated health care professionals to provide medication abortion reversal. The bill increases state and local revenue and workload on an ongoing basis.

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<b>Appropriation Summary:</b>	No appropriation is required.
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<b>Fiscal Note Status:</b>	The fiscal note reflects the introduced bill.
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## Summary of Legislation

The bill makes it a deceptive trade practice to directly or indirectly advertise abortions, emergency contraceptives, or referrals for these services when the person does not provide these services. The bill also makes it unprofessional conduct for a regulated health care professional to provide, prescribe, administer or attempt medication abortion reversal.

## State Revenue

The bill increases state revenue from fees and penalties by a minimal amount, as discussed below.

**Civil penalties.** Under the Colorado Consumer Protection Act, a person committing a deceptive trade practice may be subject to a civil penalty of up to \$20,000 for each violation. Additional penalties may be imposed for subsequent violations of a court order or injunction. This revenue is classified as a damage award and not subject to TABOR. Given the uncertainty about the number of cases that may be pursued by the Attorney General and district attorneys, as well as the wide range in potential penalty amounts, the fiscal note cannot estimate the potential impact of these civil penalties.

**Filing fees.** To the extent that the bill results in more civil filings with the trial courts, fee revenue to the Judicial Department may increase by a minimal amount. Revenue from filing fees is subject to TABOR.

## **State Expenditures**

The bill increases workload for the Department of Regulatory Agencies, the Department of Law, and Judicial Department, as discussed below.

**Department of Regulatory Agencies.** The bill may result in additional complaints or disciplinary procedures for state regulatory boards and the Division of Professions and Occupations. Given that regulated professional are assumed to have a high level of compliance, any increase in workload is anticipated to be minimal and can be accomplished within existing appropriations.

**Department of Law.** Workload in the Department of Law will minimally increase to the extent that deceptive trade practice complaints are filed. The department will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources.

**Judicial Department.** The bill will increase workload for the trial courts in the Judicial Department to handle any challenges to agency disciplinary decisions and any cases filed under the Colorado Consumer Protection Act from the addition of a new deceptive trade practice. It is assumed that people will abide by the law and that any violation of the legislation will result in minimal number of new cases; no change in appropriations is required.

## **Local Government**

Similar to the state, to the extent district attorneys receive complaints related to the new deceptive trade practice under the bill, workload will increase to investigate complaints and seek relief when appropriate. It is assumed most such cases will be handled at the state level by the Attorney General.

## **Effective Date**

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

## **State and Local Government Contacts**

District Attorneys  
Regulatory Agencies

Information Technology  
Public Health and Environment

Judicial  
Law