



Legislative Council Staff
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Fiscal Note

Drafting Number: LLS 23-0769
Prime Sponsors: Rep. Bottoms

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Bill Status: House Health & Insurance
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Bill Topic: PROVIDE INFORMATION ON ABORTION PILL REVERSAL

- Summary of Fiscal Impact:
[X] State Revenue
[X] State Expenditure
[X] TABOR Refund
[X] Local Government
[] State Transfer
[] Statutory Public Entity

The bill requires information on abortion pill reversal to be prepared by the state and provided by clinicians. It may increase state revenue and will increase state expenditures on an ongoing basis.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$8,508 to the Department of Public Health and Environment.

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

Table 1
State Fiscal Impacts Under HB 23-1150

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts (General Fund Reserve).

Summary of Legislation

The bill requires clinicians to provide information, prepared by the Department of Public Health and Environment (CDPHE), concerning abortion pill reversal to any woman seeking an abortion through the use of an abortion-inducing drug. The information must be provided 24 hours before the clinician prescribes or administers the abortion-inducing drug or induces the abortion. The CDPHE must maintain the information on its website and update it annually.

Civil penalties, a deceptive trade practice, and professional disciplinary action may be levied or taken against any clinician who fails to provide the required information concerning abortion pill reversal. The bill includes a severability clause, and allows the General Assembly to appoint members to intervene in any lawsuit challenging the constitutionality of the act.

State Revenue

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. The bill may increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

The bill increases state General Fund expenditures in the CDPHE by \$10,407 in FY 2023-24 and \$13,509 each year thereafter. Workload will also increase in the Judicial Department and the Department of Regulatory Agencies. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 23-1150

| | FY 2023-24 | FY 2024-25 |
|--|-------------------|-------------------|
| Department of Public Health and Environment | | |
| Personal Services | \$8,508 | \$11,344 |
| Centrally Appropriated Costs ¹ | \$1,899 | \$2,165 |
| Total Cost | \$10,407 | \$13,509 |
| Total FTE | 0.1 FTE | 0.1 FTE |

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Public Health and Environment. The bill requires 0.1 FTE Health Professional VII to research the current medical literature and evidence-based best practices in abortion care and to create and update the state-prepared information. First-year costs are prorated for the General Fund pay date shift and the bill's effective date.

Department of Regulatory Agencies. The Division of Professions and Occupations will conduct outreach to clinicians regarding the bill within existing resources. If clinicians do not follow the requirement of the bill, workload and costs will increase for the relevant professional board and the division to review complaints and pursue disciplinary action. No change in appropriations is required.

Department of Law. The Consumer Protection Division may receive additional complaints of deceptive trade practices under the bill. 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. Additionally, the fiscal note assumes that any legal resources needed from the CDPHE or DORA can be accomplished within existing resources.

Judicial Department. The bill may increase civil case filings. The fiscal note assumes any additional cases can be accomplished with existing appropriations.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Local Government

Similar to the state, to the extent district attorneys receive deceptive trade practice complaints under the bill, workload will increase to investigate complaints and seek relief when appropriate.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2023-24, the bill requires a General Fund appropriation of \$8,508 to the Department of Public Health and Environment, and 0.1 FTE.

State and Local Government Contacts

Information Technology
Public Health and Environment

Judicial
Regulatory Agencies

Law