

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 367

(Delegate Smith, *et al.*)

Appropriations and Health and
Government Operations

Education, Energy, and the Environment

Community Colleges - Contraception - Access Requirements

This bill requires each community college, in consultation with students and student organizations, to develop and implement a plan to provide students with access to over-the-counter (OTC) contraception by August 1, 2025. By September 1, 2025, and annually thereafter, each community college must report to the Maryland Higher Education Commission (MHEC) on implementation of the plan. By October 1, 2025, and annually thereafter, MHEC must report to the General Assembly on the information collected. On request, the Maryland Department of Health (MDH) *may* assist a community college in (1) developing a plan and (2) consulting and collaborating with organizations with expertise in providing access to OTC contraception through vending machines. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: Baltimore City Community College (BCCC) higher education expenditures may increase, particularly in FY 2025 and 2026, as discussed below. To the extent higher education expenditures increase, higher education revenues may increase due to fees charged to offset costs. MDH may provide assistance using existing budgeted resources.

Local Effect: Local community college expenditures increase, particularly in FY 2025 and 2026, as discussed below. To the extent higher education expenditures increase, higher education revenues may increase due to fees charged to offset costs. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The plan must include access to OTC contraception through the student health center, campus retail establishments, vending machines, or any other method that provides all students access when on campus.

Each community college must include in their annual report to MHEC (1) how students are provided access to OTC contraception; (2) available information regarding the amount of OTC contraception provided on campus; and (3) a description of how the community college has consulted with students and student organizations to develop and implement the plan.

MHEC's first report to the General Assembly, due October 1, 2025, must focus on the implementation plans of community colleges that have not implemented access to OTC contraception by August 1, 2025.

Current Law: Community colleges are not currently required to develop and implement a plan to provide students with access to OTC contraception.

Chapters 250 and 251 of 2023 require a public senior higher education institution, in consultation with students, to develop and implement a reproductive health services plan, to provide at the institution or to refer students to a comprehensive range of reproductive health services. Each plan must include the provision of or referral to off-campus services for obtaining (1) all methods of federal Food and Drug Administration-approved contraception, including prescription emergency contraception; (2) prevention and treatment services for sexually transmitted infections, including HIV prevention; and (3) abortion care services.

Each plan must also include:

- 24-hour access to OTC contraception through the student health center, retail establishments on campus, or vending machines;
- the availability of evidence-based reproductive health education services provided by the student health center, peer educators, or other health education programs; and
- development of a referral network of off-campus reproductive health services providers, including pharmacies, located within a reasonable proximity to the campus.

Plans must be developed by August 1, 2024, and updated annually. In lieu of developing and implementing a plan, the University of Baltimore must provide students with access to OTC contraception through on-campus retail establishments or vending machines.

On request, MDH *must* assist a public senior higher education institution in developing a reproductive health services plan.

State/Local Fiscal Effect: BCCC and local community college higher education expenditures may increase for some colleges, depending on the contents of their plan. For example, some institutions may choose to purchase vending machines. Expenditures may be affected, particularly in fiscal 2025 and 2026, for one-time set-up costs.

To the extent that BCCC higher education and local community college higher education expenditures increase, it is assumed that higher education revenues from fees charged students increase accordingly. Any such increase is generally assumed to be minimal.

MDH advises that a part-time (50%) contractual physician clinical specialist is required to assist community colleges in developing their plans. However, the Department of Legislative Services advises that, as the bill is straightforward, extensive consultation by MDH is likely not needed and minimal consultation can be handled with existing budgeted resources. Further, MDH is *authorized* rather than required to assist community colleges under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 527 (Senators Kelly and Kagan) - Education, Energy, and the Environment.

Information Source(s): Maryland Higher Education Commission; Maryland Department of Health; Department of Legislative Services

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