

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 477

(Delegates Kelly and Smith)

Appropriations and Health and  
Government Operations

Education, Energy, and the Environment

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**Public Senior Higher Education Institutions - Reproductive Health Services  
Plans - Requirements**

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This bill requires a “public senior higher education institution,” in consultation with students, to develop and implement a reproductive health services plan, as specified, to provide at the institution or to refer students to a comprehensive range of reproductive health services. Plans must be developed by August 1, 2024, and updated annually. The Maryland Department of Health (MDH), on request, must provide assistance to a public senior higher education institution in developing a reproductive health services plan. In lieu of developing and implementing a plan, the University of Baltimore must provide students with access to over-the-counter (OTC) contraception through on-campus retail establishments or vending machines. **The bill takes effect July 1, 2023.**

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**Fiscal Summary**

**State Effect:** Some institutions can develop and implement a reproductive health services plan using existing budgeted resources; however, higher education expenditures for other institutions increase, particularly in FY 2024, as discussed below. To the extent that higher education expenditures increase, higher education revenues may increase due to fees charged to offset costs. MDH can likely provide assistance using existing budgeted resources, as discussed below.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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## Analysis

**Bill Summary:** “Public senior higher education institution” means (1) the constituent institutions of the University System of Maryland (USM); (2) Morgan State University (MSU); and (3) St. Mary’s College of Maryland (SMCM). “Public senior higher education institution” does not include the University of Maryland Center for Environmental *Studies* or the University of Maryland Global Campus.

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.

**Current Law:** Under § 10-101 of the Education Article, “public senior higher education institution” means (1) the constituent institutions of USM and the University of Maryland Center for Environmental Science; (2) MSU; and (3) SMCM.

**State Fiscal Effect:** As the bill largely codifies currently available reproductive health services at some USM institutions, MSU, and SMCM, it is assumed that many institutions can develop and, for the most part, implement the required reproductive health services plans using existing budgeted resources. For example, Towson University (TU) advises it currently has on-campus locations where students can purchase reproductive health products, including OTC emergency contraception. Further, TU Auxiliary Services already has plans to acquire and place up to five vending machines across the campus to stock reproductive health products.

However, higher education expenditures for some institutions increase, depending on the contents of their plan. Certain requirements for institutions could have material impacts, particularly one-time set-up costs in fiscal 2024. For example, some institutions may choose to purchase vending machines.

To the extent that 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.

This estimate assumes that the USM regional higher education centers (RHECs), which are not residential and do not provide 24-hour coverage, are not included in the definition of USM constituent institutions. The USM RHECs are the Universities at Shady Grove, the USM at Hagerstown, and the USM at Southern Maryland.

MDH advises that a part-time (50%) contractual physician clinical specialist is required to provide assistance to institutions in developing their plans. However, the Department of Legislative Services advises that, as the bill generally codifies existing practices, extensive consultation by MDH is likely not required and minimal consultation can be handled with existing budgeted resources. To the extent that extensive consultation services are required, MDH general fund expenditures increase.

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### **Additional Information**

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

**Designated Cross File:** SB 341 (Senator Feldman, *et al.*) - Education, Energy, and the Environment.

**Information Source(s):** Maryland Higher Education Commission; University System of Maryland; Morgan State University; Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - February 13, 2023  
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