

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1076 (Delegate Smith)  
Appropriations and Health

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Higher Education Institutions - Over-the-Counter Contraception - Access and Reporting

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This bill requires each public senior (four-year) higher education institution and each community college to submit an annual report on campus over-the-counter (OTC) contraception access to the Maryland Higher Education Commission (MHEC) beginning on September 1, 2026. The report must include (1) how access is provided; (2) whether institutions have provided access to *all* methods of OTC contraception; (3) the amount of OTC contraception provided; and (4) a description of how the institution or community college has consulted with students and student organizations about providing OTC contraception on campus. By October 1, 2026, annually thereafter, MHEC must submit a report of this information to the General Assembly. The bill also specifies that community colleges must provide students with access to *all methods* of OTC contraception and consolidate existing reporting requirements into the new requirements. **The bill takes effect July 1, 2026.**

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Fiscal Summary

**State Effect:** Baltimore City Community College (BCCC) higher education expenditures and revenues likely increase, at least minimally, to expand the OTC contraception options available to students, as discussed below. Most public four-year institutions of higher education, MHEC, and BCCC can report on OTC contraception access as specified using existing resources.

**Local Effect:** Local community college higher education expenditures and revenues likely increase, at least minimally, to expand the OTC contraception options available to students, as discussed below.

**Small Business Effect:** Minimal.

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## Analysis

### Bill Summary:

#### *Public Senior Higher Education Institutions*

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

**Current Law:** “Over-the-counter contraception” is defined as a contraceptive drug or device approved by the U.S. Food and Drug Administration (FDA) that can be obtained use without a prescription.

#### *Community Colleges*

By August 1, 2025, and each community college, in consultation with students and student organizations was required to develop and implement a plan to provide students with access to OTC contraception. This access must be provided through (1) the student health center; (2) retail establishments on campus; (3) vending machines; or (4) any other method that provides access for all students while on campus.

The Maryland Department of Health (MDH) is authorized to 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.

By September 1, 2025, and annually thereafter, each community college must submit a report to MHEC about the implementation of its plan using a form provided by MHEC. This report must include how access is provided, the amount of contraception provided on campus, and a description of how the community college has consulted with students and student organizations.

By October 1, 2025, and annually thereafter, MHEC must report the information collected from these institutions to the General Assembly.

#### *Public Senior Higher Education Institutions*

Each public senior higher education institution (excluding the University of Maryland Center for Environmental Science and the University of Maryland Global Campus) must, in consultation with students, develop and implement a reproductive health service plan,

as specified. Plans had to be developed by August 1, 2024, and must be updated annually. 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 OTC contraception through on-campus retail establishments or vending machines.

Each plan must include the provision of or referral to off-campus services for obtaining (1) all methods of federal FDA-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.

**State/Local Fiscal Effect:** As the requirement for community colleges to provide access to *all methods* of OTC contraception applies immediately and cannot be met by referring students to off-campus sites, this analysis assumes that BCCC and local community college higher education expenditures increase, at least minimally, for colleges to ensure that all methods of OTC contraception are available on campus. According to the first [\*Access to Contraception and Reproductive Health Care for Students in Higher Education Annual Report\*](#) submitted by MHEC on October 1, 2025, institutions have provided a variety of contraceptive options, ranging from barrier methods to emergency contraception and daily OTC contraception pills. However, no college reports providing all methods of OTC contraception. Accordingly, if there is no retail establishment on campus, additional costs are likely incurred to purchase OTC contraception, install vending machines, and/or provide necessary staffing. To the extent that BCCC or local community college expenditures increase, it is assumed that higher education revenues from student fees increase accordingly. Any such increase may be minimal for those institutions that already provide most OTC contraception methods as they may incur only incremental costs to ensure provision of all methods.

Most public four-year institutions of higher education and BCCC can report on OTC contraception access as specified using existing resources. However, the University of Baltimore has advised that, while emergency contraception is available through vending machines on campus, the institution does not have a health center. Furthermore, the

institution lacks an administrative infrastructure to track the specified information required by this bill. Other institutions may be similarly challenged.

MHEC advises that the bill adds to the agency's administrative responsibilities and, when combined with other recently enacted legislation, may require additional personnel. However, the Department of Legislative Services advises that the reporting requirements under this bill are limited in scope for MHEC, primarily consolidate and replace an existing report, and can be accommodated using existing resources.

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### **Additional Information**

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

**Designated Cross File:** SB 532 (Senators Kagan and Feldman) - 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 - March 2, 2026  
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