

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2002 - B19

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Modifies provisions relating to reproductive health rights.

Government Unit(s) Affected:

Department of Consumer and Business Services, Oregon Youth Authority, Oregon Health and Science University, District Attorneys, Judicial Department, Public Defense Services Commission, Oregon Medical Board, Board of Naturopathic Medicine, Board of Nursing, Board of Pharmacy, Oregon Health Authority, Department of Justice, Department of Corrections, Counties, Cities, Criminal Justice Commission, Higher Education Coordinating Commission

Summary of Fiscal Impact:

The measure is anticipated to have a minimal expenditure impact on state agencies. The cost of non-administrative components remains indeterminate, including the cost of expanded gender-affirming care. The measure has an indeterminate fiscal impact on counties due to the potential for additional action filed against them; the impact on cities is indeterminate but expected to be minimal. The measure has either a minimal fiscal impact or no fiscal impact on the other listed state agencies.

Analysis:

The measure declares an individual's decisions regarding their reproductive health as a fundamental right and provides clarification on the extent of this right and options available when these rights are violated. The measure permits any person to bring an action against listed groups for injunctive relief to enforce reproductive freedom and the court may award attorney fees and costs to the prevailing plaintiff. The measure permits minors to seek reproductive health information and services without parental consent and clarifies disclosure rights when a minor receives care without parental consent.

The measure defines "gender-affirming treatment" and prohibits health benefit plans in Oregon from denying or limiting coverage of gender-affirming treatment under certain conditions. Carriers must ensure adequate network coverage and prompt delivery of services. The Department of Consumer and Business Services (DCBS) is required to evaluate compliance in each examination or analysis of the market conduct of an insurer and report to the interim legislative committees related to health by December 31, 2026. Additionally, DCBS must conduct a targeted market conduct examination of all carriers that meet the requirements of the measure.

Medical assistance provided to a member of a coordinated care organization or a medical assistance recipient who is not enrolled in a coordinated care organization shall include gender-affirming treatment. The measure also prohibits the Public Employees' Benefit Board and Oregon Educators Benefit Board from denying or limiting coverage of gender-affirming treatment.

The Oregon Health Authority (OHA) is required to ensure payment of prescription contraceptives for an individual in a medical assistance program for a period of 12 calendar months.

The measure declares an emergency and is effective on passage.

With the -B19 amendment, provisions in the B-Engrossed version of the bill related to student health centers and budgetary adjustments are removed. These changes result in the fiscal impact being largely minimal. The cost of non-administrative components remains indeterminate, including the cost of expanded gender-affirming care. The measure has an indeterminate fiscal impact on counties due to the potential for additional action filed against them; the impact on cities is indeterminate but expected to be minimal. The measure has either a minimal fiscal impact or no fiscal impact on the other listed state agencies.