



## Contraceptive Equity & Fiscal Notes

By [Liz McCaman Taylor](#)

Contraceptive Equity laws require coverage of all unique contraceptives without inappropriate medical management. This fact sheet is part of a series of primers on health law issues that may arise when advocating for state Contraceptive Equity laws. To access additional primers, visit <https://healthlaw.org/contraceptive-equity-primers>.

Fiscal notes, which estimate a legislative proposal's short-term effects on a state budget, provide useful information for state legislators when voting on Contraceptive Equity bills. While some Contraceptive Equity notes allude to potential savings, most focus on the short-term administrative expenses and potential expenditures by state-funded healthcare programs. To the extent that these notes attempt to measure the public-health benefits or long-term economic impacts of such mandates, they typically rely on existing studies from outside parties rather than independent state-specific research. When advocating for these laws, it is helpful to know how the fiscal note process works and to be prepared with existing public health research that can support a favorable economic analysis.

### Cost Considerations

Generally, fiscal notes conduct an accounting-type analysis of the proposed legislation's effects on a state's budget across a few categories. For example, fiscal notes generally consider the administrative costs related to implementing healthcare measures. These costs include hiring staff, updating state databases, and other logistical expenses. Another category is direct costs on state budgets, which are primarily related to increased expenditures on publicly funded health programs like Medicaid, such as the increased cost to the state of providing more contraceptive coverage.

Although potentially substantial, the indirect cost savings of Contraceptive Equity laws are often not referenced in fiscal notes. Such savings relate to reduced state health insurance costs from a lower number of covered births. In California and Florida, fiscal notes

approximated the savings by multiplying the projected reduction in births by an average cost of delivery.<sup>1</sup> Advocates could identify the particular legislative or executive office charged with preparation of fiscal notes, and submit relevant external analyses (see Appendix).

## Evaluation Period

At a minimum, all fiscal notes evaluate the consequences a proposed law will have on a state's budget for the current and subsequent fiscal year, while some (12 states, plus the District of Columbia) cover a period of at least four years.<sup>2</sup> Texas and Washington, for example, conduct 10-year analyses.<sup>3</sup> Short-duration fiscal notes can be misleading in the context of contraceptive mandates because they may catalogue the immediate expenditures associated with contraceptive mandates, such as paying to provide contraceptives, while omitting the attendant long-term revenue benefits, such as fewer instances of unintended pregnancies. This could be particularly problematic in states with strict balanced budget requirements.<sup>4</sup> Expanding the covered period of a fiscal note's analysis to project budgetary effects for a longer period of time would help ensure that longer-term benefits are not excluded from the accounting.

If the offices developing state fiscal notes fail to engage with more comprehensive analyses, advocates can draw attention to the shortcomings of a limited analysis in the healthcare context. Some states, such as New Jersey, allow the sponsor of a bill to formally object to the findings of a fiscal note, and submit additional information to accompany the note.<sup>5</sup>

---

<sup>1</sup> CAL. HEALTH BENEFITS REVIEW PROGRAM ANALYSIS OF SENATE BILL 1053: HEALTH CARE COVERAGE: CONTRACEPTIVES AT 119 (2014); FLA. SENATE COMM. ON HEALTH POLICY, BILL ANALYSIS AND FISCAL IMPACT STATEMENT: SB 410 AT 9 (2019).

<sup>2</sup> Elizabeth McNichols, et al., CTR. ON BUDGET & POL'Y PRIORITIES, BETTER COST ESTIMATES, BETTER BUDGETS: IMPROVED DISCAL NOTES WOULD HELP STATES MAKE MORE INFORMED DECISIONS AT 6 (2015) <https://www.cbpp.org/sites/default/files/atoms/files/10-15-15sfp2.pdf> (DC, GA, IA, LA, MD, MN, MT, NC, ND, OR, TX, VA, WA).

<sup>3</sup> Id.; WA Office of Financial Mgmt, *Agency Fiscal Note Instructions* (Dec. 2020),

<https://ofm.wa.gov/sites/default/files/public/budget/instructions/other/agencyfiscalnoteinstructions.pdf>.

<sup>4</sup> NAT'L CONF. OF STATE LEGISLATORS, STATE BALANCED BUDGET PROVISIONS, <https://www.ncsl.org/research/fiscal-policy/state-balanced-budget-requirements-provisions-and.aspx> (last visited Oct. 13, 2020).

<sup>5</sup> N.J. Rev. Stat. § 52:13B-11.

## Appendix

### State Analyses

CAL. HEALTH BENEFITS REVIEW PROGRAM, ANALYSIS OF SENATE BILL 1053: HEALTH CARE COVERAGE: CONTRACEPTIVES (2014), <http://analyses.chbrp.com/document/view.php?id=907>.

CAL. HEALTH BENEFITS REVIEW PROGRAM, ANALYSIS OF SENATE BILL 523: HEALTH CARE COVERAGE: CONTRACEPTIVES (2021), <http://analyses.chbrp.com/document/view.php?id=1559>.

SENATE APPROPRIATIONS COMMITTEE FISCAL SUMMARY, SB 1053 (MITCHELL) - HEALTH CARE COVERAGE: CONTRACEPTIVES (2014), [http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb\\_1051-1100/sb\\_1053\\_cfa\\_20140523\\_132849\\_sen\\_comm.html](http://www.leginfo.ca.gov/pub/13-14/bill/sen/sb_1051-1100/sb_1053_cfa_20140523_132849_sen_comm.html).

SENATE AND HOUSE COMMITTEES ON APPROPRIATIONS, SB 523 (LEYVA) - HEALTH CARE COVERAGE: CONTRACEPTIVES (2021), [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=20210220SB523](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=20210220SB523).

FLA. SENATE COMM. ON HEALTH POLICY, BILL ANALYSIS AND FISCAL IMPACT STATEMENT: SB 410 (2019), <https://www.flsenate.gov/Session/Bill/2019/410/Analyses/2019s00410.pre.hp.PDF>.

LEGISLATIVE FINANCE COMMITTEE, FISCAL IMPACT REPORT: NM HB89 (2019), <https://www.nmlegis.gov/Sessions/19%20Regular/firs/HB0089.PDF>.

LEGISLATIVE FISCAL ESTIMATE, ASSEMBLY NO. 5508, NJ 218<sup>TH</sup> LEG. (2020), [https://www.njleg.state.nj.us/2018/Bills/A9999/5508\\_E2.HTM](https://www.njleg.state.nj.us/2018/Bills/A9999/5508_E2.HTM).

MULTIPLE AGENCY FISCAL NOTE SUMMARY, SB 6219: REPRODUCTIVE HEALTH COVERAGE (2018), <https://app.leg.wa.gov/committeeschedules/Home/Document/137422>.

JEFFREY S. DEWITT, GOV'T OF THE D.C. OFFICE OF THE CHIEF FIN. OFFICER, FISCAL IMPACT STATEMENT – DEFENDING ACCESS TO WOMEN'S HEALTH CARE SERVICES AMENDMENT ACT (2017), [http://app.cfo.dc.gov/services/fiscal\\_impact/pdf/spring09/FIS%20-%202022-106%20Defending%20Access%20to%20Women%20Health%20Care%20Services%20Amendment%20Act%20of%202017.pdf](http://app.cfo.dc.gov/services/fiscal_impact/pdf/spring09/FIS%20-%202022-106%20Defending%20Access%20to%20Women%20Health%20Care%20Services%20Amendment%20Act%20of%202017.pdf).

## Appendix (continued)

### Economics Research

Adam Sonfield, *Beyond Preventing Unplanned Pregnancy: The Broader Benefits of Publicly Funded Family Planning Services*, 17 GUTTMACHER POL'Y REV., Fall 2014, at 2, <https://www.guttmacher.org/sites/default/files/pdfs/pubs/gpr/17/4/gpr170402.pdf>.

Alexandra Wollum et al., *Modeling the Impacts of Price of an Over-the-Counter Progestin-Only Pill on Use and Unintended Pregnancy Among U.S. Women*, WOMEN'S HEALTH ISSUES at 1 (2020)

Diana Foster et al., *Potential Public Sector Cost-Savings from Over-the-Counter Access to Oral Contraceptives*, 91 CONTRACEPTION 373 (2015).

Elizabeth McNichol et al., *Better Cost Estimates, Better Budgets: Improved Fiscal Notes Would Help States Make More Informed Decisions*, CTR. ON BUDGET & POL'Y PRIORITIES at Table 2: Laws & Rules Governing State Fiscal Note Practices (Nov. 24, 2015) <https://www.cbpp.org/research/state-budget-and-tax/better-cost-estimates-better-budgets>.

Gorette Amaral et al., *Public Savings from the Prevention of Unintended Pregnancy: A Cost Analysis of Family Planning Services in California*, 45 HEALTH SERVICES RES. 1960 (2007), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2254565/>.

HEALTH IMPACT PROJECT, A USER'S GUIDE TO LEGISLATIVE HEALTH NOTES (Apr. 2021), <https://www.pewtrusts.org/-/media/assets/2021/04/apractitionersguidereportfinal.pdf>

James Trussel & Tara Shochet, *Cost-Effectiveness of Emergency Contraceptive Pills in the Public Sector in the USA*, 3 EXPERT REV. OF PHARMACOECONOMICS & OUTCOMES RES. 433 (2003)

UNIVERSITY OF CALIFORNIA SAN FRANCISCO, BIXBY CENTER FOR GLOBAL REPRODUCTIVE HEALTH, COST-BENEFIT ANALYSIS OF THE CALIFORNIA FAMILY PACT PROGRAM FOR CALENDAR YEAR 2007 (2010), [https://intranet.bixbycenter.ucsf.edu/publications/files/FamilyPACTCost-BenefitAnalysis2007\\_2010Apr\\_Featured.pdf](https://intranet.bixbycenter.ucsf.edu/publications/files/FamilyPACTCost-BenefitAnalysis2007_2010Apr_Featured.pdf).