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FISCAL IMPACT REPORT

SPONSOR Dow/Montoya R./ ORIGINAL DATE 02/01/21
Strickler/Terrazas LAST UPDATED _____ HB 160

SHORT TITLE COVID Protocols At Abortion Facilities SB _____

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	NFI	NFI	Minimal	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Human Services Department (HSD)

Administrative Office of the Court (AOC; declines to comment)

Attorney General's Office (NMAG)

No Response Received

Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Bill 160 would require the department of health by July 1, 2021 to establish specified health and safety protocols dealing with coronavirus transmission at medical facilities where abortion procedures are carried out, regarding the following:

- (1) Use of personal protective equipment;
- (2) Limitation of capacity at the facilities;
- (3) Enhancement of screening procedures; and
- (4) Requiring those who travel to New Mexico for abortion services to quarantine or self-isolate (separate requirement for those traveling in from high-risk and from low-risk areas.

These requirements would remain in place until the coronavirus public health emergency was declared over.

FISCAL IMPLICATIONS

There is no appropriation in House Bill 160.

DOH would encounter a small cost of making and publicizing regulations required.

SIGNIFICANT ISSUES

A search of New Mexico One Source fails to uncover any health statutes specific to “abortion facilities” or “abortion providers.”

The Kaiser Family Foundation issued a report in August 2020, stating that many states have placed new restrictions on abortion:

The response to the Covid-19 pandemic has prompted several states to place restrictions that have effectively banned or blocked the availability of abortion services. While [every state](#) has taken action to declare a public health emergency to mitigate the spread of Covid-19, [several states](#) have made public health emergency declarations to specifically define abortion as non-essential or [elective health procedures](#) and banned abortions until the end of the emergency. States have justified these orders to conserve personal protective equipment (PPE). However, the American College of Obstetricians and Gynecologists (ACOG) and other leading medical professional organizations issued a [statement](#) defining abortion as a time sensitive and “essential component of comprehensive health care” and that delay, even days, “may increase the risks or potentially make it completely inaccessible.” The World Health Organization also classifies abortion “essential” to women’s rights and health.

The report does not appear to have been updated since then. The ACOG statement includes the following language:

Abortion is an essential component of comprehensive health care. It is also a time-sensitive service for which a delay of several weeks, or in some cases days, may increase the risks or potentially make it completely inaccessible. The consequences of being unable to obtain an abortion profoundly impact a person’s life, health, and well-being.

“The American College of Obstetricians and Gynecologists and the American Board of Obstetrics & Gynecology, together with the American Association of Gynecologic Laparoscopists, the American Gynecological & Obstetrical Society, the American Society for Reproductive Medicine, the Society for Academic Specialists in General Obstetrics and Gynecology, the Society of Family Planning, and the Society for Maternal-Fetal Medicine, do not support Covid-19 responses that cancel or delay abortion procedures. Community-based and hospital-based clinicians should consider collaboration to ensure abortion access is not compromised during this time.”

The statement does not comment on particular coronavirus-specific procedures to be performed in medical establishments providing abortion services.

Information on the DOH website (cv.nmhealth.org) includes the following, for all counties in New Mexico:

1. Health care operations are considered essential services

2. Those in quarantine or isolation should not go outside their homes or places of dwelling except to obtain medical care.
3. Currently all states are considered high risk areas.

OTHER SUBSTANTIVE ISSUES

HSD notes that “there is no provider type of ‘Abortion Facility’ that the Medicaid program enrolls as a qualified provider. Therefore, HSD would see no impact from HB160 directing DOH to implement health and safety protocols in such facilities.”

LAC/al