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FISCAL IMPACT REPORT

ORIGINAL DATE 02/17/07

SPONSOR Stewart LAST UPDATED _____ HB HM 11

SHORT TITLE Study Emergency Contraception in New Mexico SB _____

ANALYST Hanika Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$.1 (see narrative)				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Health Policy Commission (HPC)

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

HM 11 requests the NM Health Policy Commission, in coordination with the Department of Health, the Pharmacy Board and others, study the availability of emergency contraception throughout New Mexico and provide the public with the information.

The Memorial specifically;

- Defines “emergency contraception” as a drug approved by the FDA that prevents pregnancy after sexual intercourse;
- Recognizes the approval of “plan B”, which contains the drug progestin as it’s active ingredient”, by the FDA in August 2006 that only may be sold “Over-the Counter” at a pharmacy, to adult women 18 or older;
- The FDA does not allow the sale of “plan B” at grocery or convenience stores;
- States the Board of Pharmacy provides training to enable pharmacists to prescribe emergency contraception for patients;
- States that there is confusion among patients, practitioners, and pharmacists between plan B and prescribing emergency contraception;
- Requires a survey of every pharmacy in the state to determine their policy on the stocking and dispensing of emergency contraception and plan B and the policy on

- refusal based on religious or moral reasons;
- Requires the HPC to compile and evaluate the results of the survey and prepare a report for the appropriate legislative committee.

FISCAL IMPLICATIONS

There will be undetermined costs to the HPC associated with the conduction of an extensive survey. The costs for maintaining an accurate listing of emergency contraception services, plan B, and participating pharmacists is also unknown. The HPC will also incur expenses in producing the necessary reports, minutes and other information related to the study group.

SIGNIFICANT ISSUES

The Board of Pharmacy comments that the Board with the NM Pharmacists Association adopted rules allowing pharmacists, who have obtained the necessary training and education, to prescribe and dispense emergency contraception to patients, including minors, several years ago. These rules expanded the scope of pharmacist practice in this state. New Mexico was a pioneer in the area of emergency contraception in providing more options for patients.

Results from such a survey will only be from responding pharmacies. A significant number of emergency contraception services are available from health clinics that operate throughout this state and in many areas where there are no pharmacies. The survey also will not include all the various health care practitioners, licensed in this state, and their policies and procedures for providing emergency contraception or plan B to patients. Healthcare practitioners by law, and according to their scope of practice, may prescribe and dispense emergency contraception, including plan B, for their patients.

The HPC reports that according to the Guttmacher Institute:

- In New Mexico, 40,250 of the 392,410 women of childbearing age become pregnant each year. 68% of these pregnancies result in live births, and 17% result in abortions; the remainder end in miscarriage.
- New Mexico has the 4th highest teenage pregnancy rate of any state. Of the 7,290 teenage pregnancies each year in New Mexico, 64% result in live births and 21% result in abortions.
- New Mexico's teenage pregnancy rate declined by 20% between 1992 and 2000.

PERFORMANCE IMPLICATIONS

As the coordinating agency, the HPC will need to convene and staff a task force to meet the resolutions within the memorial. The HPC will be responsible for administrative support and oversight of task force meetings. The HPC will also be responsible for producing and distributing the final report.

ADMINISTRATIVE IMPLICATIONS

The HPC will need to utilize staff to conduct a survey of pharmacies in New Mexico. Some of the states pharmacies may not respond to the survey. In addition, the on-going maintenance of an extensive list of pharmacies and the participating pharmacists will be needed in order to keep such information up to date.

TECHNICAL ISSUES

The Board has a rule in place that requires a pharmacist to notify the patient of another pharmacy or provider that provides such services. That rule states in relevant part: “Any pharmacist not certified to provide a prescriptive authority service is required to refer patients to a pharmacist or other provider who provides such a service”.

OTHER SUBSTANTIVE ISSUES

The HPC has the following comments:

Staff and volunteers at NARAL Pro-Choice New Mexico worked from a list of Emergency Contraception (EC) providers in the state to get information about the availability of EC at clinics and pharmacies throughout New Mexico. The following webpage includes a list of New Mexico EC providers with addresses and phone numbers: <http://www.prochoicenm.org/assets/files/nmeccdistributors.pdf>

According to NARAL Pro-Choice New Mexico, EC has tremendous potential for reducing unintended pregnancies. Emergency contraception pills (ECPs) are ordinary birth control pills that prevent pregnancy by inhibiting ovulation, fertilization or implantation before a pregnancy occurs. ECP use was likely responsible for up to 43% of the decline in the number of abortions in the US between 1994 and 2000 – with ECP use preventing over 50,000 abortions in 2000 alone. Nationwide there are many barriers to access and it can be difficult for women to obtain ECPs within the time needed for effective use. Although ECPs are typically available by prescription only, New Mexico is one of six states that expressly allow pharmacists to provide EC without a prescription. Allowing pharmacists to provide EC directly to women is a critical means of improving access. New Mexico is also one of four states to enact explicit “EC in the ER” laws that ensure that sexual assault victims receive access to EC in hospitals.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

A study on the availability of Emergency Contraception may not be conducted. As a result, many women may continue to be unaware of where they can obtain Emergency Contraception.

AHO/mt