



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2023 Biennium

**Bill #** HB0703

**Title:** Prohibit the use of vaccination status or immunity passport for certain purposes

**Primary Sponsor:** Hinkle, Jedediah

**Status:** As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns   |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

|   | <b>FY 2022<br/>Difference</b> | <b>FY 2023<br/>Difference</b> | <b>FY 2024<br/>Difference</b> | <b>FY 2025<br/>Difference</b> |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Expenditures:</b>                    |                               |                               |                               |                               |
| General Fund                            | \$98,694                      | \$95,894                      | \$97,333                      | \$98,793                      |
| <b>Revenue:</b>                         |                               |                               |                               |                               |
| General Fund                            | \$0                           | \$0                           | \$0                           | \$0                           |
| <b>Net Impact-General Fund Balance:</b> | (\$98,694)                    | (\$95,894)                    | (\$97,333)                    | (\$98,793)                    |

**Description of fiscal impact:** Implementation of HB 703 requires an FTE for additional investigations in the Department of Labor and Industry's Human Rights Bureau.

### FISCAL ANALYSIS

**Assumptions:**

**Department of Labor and Industry**

1. The Department of Labor and Industry anticipates that this bill will result in additional complaints made to the Human Rights Bureau within the Employment Relations Division. The division anticipates needing an additional 1.00 FTE Equal Opportunity Specialist. The total cost is estimated at \$98,694.
2. Costs for salary and benefits in FY 2022 and FY 2023 will include \$64,041 for salary, \$24,137 for benefits and insurance, and \$7,716 for indirect costs. In addition, there will be one-time costs for supplies of \$1,600 and a new computer at \$1,200 in FY 2022.
3. A 1.5% inflationary factor is added to these costs for FY 2024 and FY 2025.

**Department of Administration**

4. HB 703 prohibits the use of vaccination status or immunity passport for certain identification cards, benefits, and services.
5. The State Employee Group Benefits Plan currently has no requirements in place related to vaccination status or immunity passports.

|   | <u>FY 2022</u><br><u>Difference</u> | <u>FY 2023</u><br><u>Difference</u> | <u>FY 2024</u><br><u>Difference</u> | <u>FY 2025</u><br><u>Difference</u> |
|---|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <b><u>Fiscal Impact:</u></b>  |                                     |                                     |                                     |                                     |
| FTE   | 1.00                                | 1.00                                | 1.00                                | 1.00                                |
| <b><u>Expenditures:</u></b>   |                                     |                                     |                                     |                                     |
| Personal Services   | \$88,178                            | \$88,178                            | \$89,501                            | \$90,844                            |
| Operating Expenses  | \$10,516                            | \$7,716                             | \$7,832                             | \$7,949                             |
| <b>TOTAL Expenditures</b>   | <b>\$98,694</b>                     | <b>\$95,894</b>                     | <b>\$97,333</b>                     | <b>\$98,793</b>                     |
| <b><u>Funding of Expenditures:</u></b>  |                                     |                                     |                                     |                                     |
| General Fund (01)   | \$98,694                            | \$95,894                            | \$97,333                            | \$98,793                            |
| <b>TOTAL Funding of Exp.</b>  | <b>\$98,694</b>                     | <b>\$95,894</b>                     | <b>\$97,333</b>                     | <b>\$98,793</b>                     |
| <b><u>Revenues:</u></b>   |                                     |                                     |                                     |                                     |
| General Fund (01)   | \$0                                 | \$0                                 | \$0                                 | \$0                                 |
| <b>TOTAL Revenues</b>   | <b>\$0</b>                          | <b>\$0</b>                          | <b>\$0</b>                          | <b>\$0</b>                          |
| <b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b> |                                     |                                     |                                     |                                     |
| General Fund (01)   | (\$98,694)                          | (\$95,894)                          | (\$97,333)                          | (\$98,793)                          |

**Technical Notes:**

1. Section 1 of the bill has two subsection (2)s.
2. Page 2, Line 4, will likely have consequences exceeding the stated purpose of the bill of freeing individuals from the release of medical information. Specifically, because the subsection prohibits “compelling or coercing” receipt of a pharmaceutical product or intervention, public schools and public hospitals may be barred from vaccination requirements.
3. Page 2, Line 9 may cause problems for workers’ compensation claims adjusting. Those claims include medical records controlled by a government entity. Page 1, Lines 26-28, prohibit connection of those records with the injured workers’ identity, without limitation. Similarly, investigations by the Human Rights Bureau would be complicated by the provision since individual medical records are “connected” to records for purposes of investigations, particularly in disability discrimination.
4. Section 1(3) implies the ability of the Human Rights Bureau to enforce this law against the federal government involving airports. The bureau is without legal authority for such enforcement.

**NOT SIGNED BY SPONSOR**

\_\_\_\_\_ Date 4/6/21
 \_\_\_\_\_ Budget Director's Initials KA
 \_\_\_\_\_ Date 4-5-21