

February 11, 2025

The Honorable Will Carpenter, Chairperson
House Committee on Health and Human Services
300 SW 10th Avenue, Room 112-N
Topeka, Kansas 66612

Dear Representative Carpenter:

SUBJECT: Fiscal Note for HB 2010 by Representative Fairchild, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2010 is respectfully submitted to your committee.

HB 2010 would prohibit abortion in the State of Kansas and specify that Kansas judges would be subject to impeachment if they enjoined, stayed, or overruled any provision of the Act. The bill would make related definitions and create the crimes of unlawful performance of an abortion and unlawful destruction of a fertilized embryo. The bill would amend statutory references to abortion and other related terms to be consistent with the Act and would repeal statutes no longer necessary after the prohibition of abortion.

According to the Kansas Department of Health and Environment (KDHE), enactment of HB 2010 could result in a loss of federal Title X funding. This funding totals \$2.9 million for FY 2025, \$3.5 million for FY 2026, and \$4.1 million for FY 2027. Additional state funding would be necessary to maintain current services. This includes approximately \$301,842 for various levels of funding for 12.00 positions (ranging from 5.0 percent to 100.0 percent of the salary). KDHE reports that the passage of similar legislation in Oklahoma and Tennessee resulted in the removal of federal Title X funding, because of the determination that these states were then unable to provide abortion counseling and referrals, which is a programmatic requirement as part of a 2021 Final Rule. Loss of federal funding would also result in local health departments losing access to 340B reduced prescription costs, which would result in an additional need for increased funds to deliver the same level of care and continuation of access to high quality reduced cost contraceptives and reproductive health services.

Title X is a federal grant program that provides Family Planning and Reproductive Health services to individuals regardless of income. The agency notes that family planning includes a broad range of services related to achieving pregnancy, preventing pregnancy, and assisting women, men, and couples with achieving their desired number and spacing of children and can include contraceptive care, STD/STI screenings and treatment, cancer screenings, basic infertility services, and more. Currently, approximately 13,000 Kansans receive these services, usually at clinics housed in a local health department. The agency states that county health departments and rural communities would take the brunt of the impact of a loss of federal funding as they are

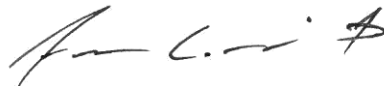
required to maintain a 40.0 percent match to the federal dollars supplied by the Title X grant. Without the federal funding, they would be required to fully fund the same services offered in addition to the increase in pharmaceutical costs from losing their 340B status. KDHE states this would result in many counties being unable to continue to provide adequate services due to the financial burden. This would increase the burden to those rural and frontier areas as well onto neighboring cities and county to accommodate patients from farther distances as many rural areas already experience shortages in health care providers and services.

The Office of the Attorney General estimates that enactment of HB 2010 could increase litigation costs for defense of the law. The Office estimates \$4.5 million would be needed in FY 2026 and \$512,672 would be needed in FY 2027, all from the State General Fund. This would include the hiring of outside counsel and increasing internal staff by 2.00 attorney positions and 2.00 legal assistants. The estimated salaries and wages would be \$133,905 for each attorney and \$63,755 for each legal assistant. In addition, technology, training, and other administrative costs for these positions would total approximately \$92,940. The Office notes that local governments would also incur prosecutorial costs as a result of passage of the bill.

The Office of Judicial Administration states enactment of HB 2010 could increase the number of cases filed in district courts because it would create a new crime. This could result in more time spent by judicial and nonjudicial personnel processing, researching, and hearing these cases. The Office estimates enactment of the bill could result in the collection of docket fees and fines assessed in those cases filed under the bill's provisions, which would be deposited in the State General Fund. The bill would not affect other revenues to the Judicial Branch. However, a fiscal effect cannot be estimated. The Sentencing Commission notes enactment of the bill could impact prison admissions and workload, but a total fiscal effect could not be estimated.

The Board of Healing Arts notes that passage of the bill could result in complaints which would be actionable as unprofessional conduct, but these could likely be managed within existing resources. The Kansas Board of Pharmacy reports that enactment of the bill could result in an increase in complaints or investigations, but no fiscal effect is anticipated. The Kansas Department of Revenue and the University of Kansas Medical Center report that the bill would not result in a fiscal effect for either agency. Any fiscal effect associated with HB 2010 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jeff Dewitt, University of Kansas
Alexandra Blasi, Board of Pharmacy
Susan Gile, Board of Healing Arts
Amy Penrod, Department of Health & Environment
Lynn Robinson, Department of Revenue