

January 27, 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 2071 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2071 is respectfully submitted to your committee.

HB 2071 would enact the Help Not Harm Act, which would prohibit healthcare providers from providing certain treatments to a child whose perceived gender or perceived sex is inconsistent with such child's sex. The prohibited treatments would include surgical procedures and medications as specified in the Act. The bill would establish relevant legal definitions and provide for exceptions. The bill would specify the course of action for providers that initiated any of the prohibited treatments prior to the effective date of the Act.

Recipients of state funds would be prohibited from using funds to provide or subsidize the prohibited treatment. The Act would clarify that individuals or entities receiving state funds for the treatment of children for psychological conditions would also be prohibited from providing these treatments or referring to another provider for such treatments. Providers would also be prohibited from receiving Medicaid reimbursements for the prohibited treatments. The bill would also place related prohibitions on state property and state employees.

The bill would specify that healthcare providers in violation of the Act would be engaged in unprofessional conduct and the license of such healthcare provider would be revoked by the appropriate licensing entity or disciplinary review board. The provider in violation would also be held strictly liable for any harm to the patient for ten years from the date the individual turns 18 years of age. The bill would also allow for a private cause of action against the provider. The bill would prohibit professional liability insurance coverage for treatment in violation of the Act.

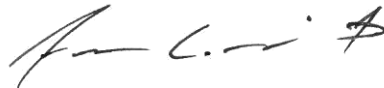
According to the Office of Judicial Administration, enactment of HB 2071 could increase the number of cases filed in district courts because it allows for civil suit to be filed. This could

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 to the State General Fund. The bill would not affect other revenues to the Judicial Branch. However, a fiscal effect cannot be estimated. The Office of the Attorney General states enactment of the bill could increase litigation costs related to defending the law, but a total fiscal effect could not be estimated.

The Kansas State Board of Healing Arts reports passage of HB 2071 could result in more complaints, investigations, and potential litigation but the agency anticipates this will be manageable within existing resources.

The Kansas Insurance Department and the Kansas Health Care Stabilization Fund report enactment of the bill will not result in a fiscal effect for either agency. Any fiscal effect associated with HB 2071 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Susan Gile, Board of Healing Arts
Matt Bingesser, Office of the Attorney General
Trisha Morrow, Judiciary
Kyle Strathman, Insurance Department
Clark Shultz, Health Care Stabilization Fund