



March 10, 2026

The Honorable Tom Kessler, Chairperson
House Committee on Federal and State Affairs
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Representative Kessler:

SUBJECT: Fiscal Note for HB 2789 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2789 is respectfully submitted to your committee.

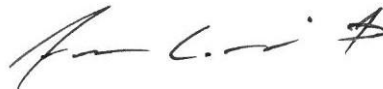
HB 2789 would enact the Abolish Abortion Kansas Act. The bill would make Legislative declarations on abortion policy. The bill would amend KSA 21-5419, related to crimes against persons and application of certain crimes to an unborn child, also known as Alexa's Law, to remove the definition of "abortion" and replace with "fertilization" which would mean the fusion of a human spermatozoon with a human ovum. The bill would also update the definition of "unborn child." Provisions would not apply to the unintentional death of an unborn child when such death resulted from the undertaking of life-saving procedures on a pregnant woman when such procedures are accompanied by reasonable steps, if available, to save the life of her unborn child or spontaneous miscarriage. Provisions currently allowing abortion would be removed. KSA 60-1901, related to wrongful deaths, would also be updated to remove provisions currently allowing abortion and to only provide exceptions to provisions for the unintentional death of an unborn child as detailed in the bill. The Act would only apply prospectively and would not apply to any conduct committed prior to July 1, 2026.

According to the Office of the Kansas Attorney General, HB 2789 would likely face litigation if enacted. The agency anticipates outside counsel would be necessary due to the subject matter, which could result in long-term fiscal considerations with costs to the state in excess of \$1.0 million. The Office does not anticipate a direct fiscal effect on the agency regarding HB 2789.

The Office of Judicial Administration states enactment of the bill could increase the number of cases filed in district courts resulting from criminal prosecutions related to abortion. 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 total fiscal effect cannot be estimated.

The Kansas Department of Corrections notes that enactment of HB 2789 could result in an increase in both prison admissions and beds, but a total fiscal effect cannot be estimated. The Kansas Sentencing Commission also anticipates that the bill could increase prison admissions and beds, as well as the workload of the Commission. A total fiscal effect cannot be estimated. The Kansas State Board of Healing Arts states that enactment of the bill would not result in any additional revenues and additional expenditures are anticipated to be negligible. Any fiscal effect associated with HB 2789 is not reflected in *The FY 2027 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Matt Bingesser, Office of the Attorney General
Scott Schultz, Kansas Sentencing Commission
Jennifer King, Department of Corrections
Susan Gile, Board of Healing Arts