

February 16, 2025

The Honorable Beverly Gossage, Chairperson
Senate Committee on Public Health and Welfare
300 SW 10th Avenue, Room 142-S
Topeka, Kansas 66612

Dear Senator Gossage:

SUBJECT: Fiscal Note for SB 174 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 174 is respectfully submitted to your committee.

SB 174 would enact the Abolish Abortion Kansas Act, which would make all abortions subject to criminal prosecution for violation of Alexa's Law (KSA 21-5419). The bill would include a criminal defense available in certain situations as described and amend provisions related to wrongful death actions based upon the death of an unborn child. The bill would also make related definitions, make policy declarations related to abortion, and update related state statutes to align with the bill's provisions.

According to the Kansas Department of Health and Environment (KDHE), enactment of SB 174 could result in a loss of federal Title X funding. This funding totals \$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.

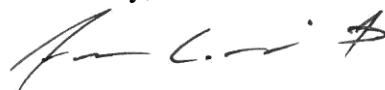
Title X is a federal grant program that provides Family Planning and Reproductive Health services to individuals regardless of income. The agency notes that family planning includes a broad range of services related to achieving pregnancy, preventing pregnancy, and assisting women, men, and couples with 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 counties 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 notes that prosecutions taking place under SB 174 would be done by county and district attorneys, however, litigation costs could increase for the defense of the law. The Offices 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 of Judicial Administration states enactment of SB 174 could increase the number of cases filed in district courts because it would make all abortions subject to criminal prosecution as for a violation of Alexa's Law. 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 Sentencing Commission reports that enactment of the bill could increase prison admissions and beds, as well as the workload for the Commission, but a total fiscal effect could not be estimated. The Kansas State Board of Healing Arts reports enactment of the bill would not result in a fiscal effect for the agency. Any fiscal effect associated with SB 174 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Susan Gile, Board of Healing Arts
Amy Penrod, Department of Health & Environment
Matt Bingesser, Office of the Attorney General
Scott Schultz, Kansas Sentencing Commission