

SESSION OF 2026

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2465

As Amended by House Committee on
Commerce, Labor and Economic Development

Brief*

HB 2465, as amended, would enact the Professionals' Freedom of Expression Act.

Professionals' Freedom of Expression Act

The bill would enact the Professionals' Freedom of Expression Act (Act) and would prevent any governmental entity that issues licenses or certificates or accredits individuals or businesses from denying, revoking, or suspending professional licensure based solely on the beliefs held by the individual or business or the lawful expression of such beliefs in a setting that is unrelated to their profession or business.

The bill would also prohibit governmental entities from penalizing, disciplining, censuring, disadvantaging, discriminating against, retaliating against, or taking any other adverse action against a professional or business based solely on their beliefs or the lawful expression of their beliefs in a setting that is unrelated to their profession or business.

Definitions

The bill would define "beliefs" to mean sincerely held religious beliefs, including, but not limited to, beliefs regarding marriage, family, or sexuality.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

The bill would also define “governmental entity” to mean any state, county, or city agency, department, division, bureau, or any political subdivision thereof, that issues licenses to or certifies or accredits individuals or business.

Cause of Action

The bill would create a cause of action for any person injured or facing the substantial likelihood of injury in violation of the Act against the offending governmental entity. In any such action, the court may award actual damages, costs, attorney fees, and injunctive relief as the court deems necessary.

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of Representative Brunk.

House Committee on Commerce, Labor and Economic Development

In the House Committee Hearing, **proponent** testimony was provided by Representative Brunk, a representative of 1st Amendment Partnership, and a private citizen. The proponents generally stated support for the ability of state-licensed professionals to hold sincerely held religious beliefs and convey those beliefs outside the scope of the duties of their licensed profession, and stated that the bill would allow a licensee to file a cause of action against a state or private entity should the provisions of the bill be violated. The private citizen also expressed concern about the current requirement that real estate professionals maintain membership in multiple private-trade associations in order to gain access to Multiple Listing Services.

Opponent testimony was provided by representatives of the Kansas City Regional Association of Realtors and the Kansas Realtors Association. The opponents generally stated concern over the ability of the State to regulate private enterprise and internal policy, consequences to the organizations' reputations and images, and fee mandates.

No other testimony was provided.

The House Committee amended the bill to remove provisions concerning private licensing organizations, Multiple Listing Services, and technical amendments to the Real Estate Brokers' and Salespersons' License Act.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on this bill, as introduced, the Kansas Real Estate Commission indicates the bill has the potential to increase costs for the agency by requiring it to investigate complaints or possible violations of the Act. The Commission does not have any information on the number of additional complaints or violations as a result of the bill to determine a precise fiscal effect.

While the Act has specific provisions related to licensees of the Kansas Real Estate Commission, other provisions of the bill would apply to other business or professional licenses, certificates, or authorizations. The bill would allow a private right of action for anyone injured, or substantially likely to be injured, by a violation, and would allow courts to award actual damages, costs, attorney fees, and injunctive relief as necessary. If found in violation of the Act, other regulatory fee boards, cities, counties, and private licensing organizations could have significant costs related to investigations, attorney fees, and potential judgments. However, those costs are unknown.

The Attorney General indicates that the bill would not have any direct costs on its operations. However, the subject matter of this bill is frequently the subject of litigation, and the Attorney General indicates that additional resources could be required to address litigation costs arising from implementation of the bill.

The Judicial Branch indicates that enactment of the bill could increase the number of cases filed in district courts because it allows a party to bring a private cause of action for violations. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases; however, the Judicial Branch did not provide a precise estimate of any potential costs as a result of the bill. The bill could also result in the collection of docket fees and fines, which would be deposited into the State General Fund. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties and League of Kansas Municipalities indicate that enactment of the bill could result in increased costs related to investigations, attorney fees, potential judgments, and local court operations. The increased costs for local governments would be dependent on the number of individuals that bring a private cause of action for violations against a city or county. However, neither organization was able to provide a specific estimate of the fiscal effect on local governments.

Real estate broker; license; licensure; salesperson; expression; freedom of expression; beliefs; personal beliefs