

March 4, 2020

The Honorable Gene Suellentrop, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Suellentrop:

SUBJECT: Fiscal Note for SB 475 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 475 is respectfully submitted to your committee.

SB 475 would establish the Healthcare Conscience Protection Act by permitting a healthcare provider to refuse to provide services that would go against the provider's conscience. Not providing the service would not constitute civil liability, criminal prosecution or administrative action. The bill would make it unlawful to discriminate against a healthcare provider for making a conscience decision and it would require the provider to administer emergency services.

If a provider exercises the right of conscience decision, the bill would require the provider to inform the patient that the provider will not be providing a service because of the conscience decision. The provider would need to make reasonable efforts to transfer the patient to a provider who would provide the service. The bill would prohibit a person from intimidating, threatening, coercing or discriminating against any healthcare provider or entity for the purpose of interfering with any right protected by this Act. The provider would still be required to provide services that, if not provided, would subject the provider to action by its licensing body. The bill would permit an aggrieved provider to seek relief in court for actual, punitive, statutory damages, injunctive relief, and any other relief.

The Kansas Insurance Department and the Kansas Department of Health and Environment indicate that SB 475 would have no fiscal effect on the agencies. The Office of Judicial Administration indicates that enactment of SB 475 could increase the number of cases filed in district courts because the bill would allow for a civil suit to be filed. This would increase the amount of time judicial and nonjudicial personnel would spend processing, researching, and

hearing cases. The Office is unable to estimate the number of cases that could be filed, therefore a fiscal effect on the Judicial Branch cannot be determined. Any fiscal effect associated with SB 475 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell". The signature is fluid and cursive, with the first name "L." and last name "Campbell" clearly visible.

Larry L. Campbell
Director of the Budget

cc: Mary Rinehart, Judiciary
Dan Thimmesch, Health & Environment
Bobbi Mariani, Insurance