



January 12, 2021

**Kansas State Legislature  
Senate Judiciary Committee**

Chairwoman Warren and members of the Committee. Thank you for holding this hearing and for this opportunity to provide testimony.

Today our country is living an unprecedented health and economic crisis. The Covid-19 pandemic is touching every aspect of our lives, changing how we live, work, and think about the future. Now more than ever, Americans for Prosperity (AFP) activists continue to engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another.

At this juncture, is it critical for this body to proceed to enact reasonable reforms that provide stability and certainty. We ask you provide clarity and limit frivolous lawsuits related to COVID-19, so health care providers, charities, nonprofits, and businesses can continue to operate and serve their communities in this unprecedented time of need. AFP supports legislative efforts that achieve these goals while at the same time maintaining protections for individuals against gross negligence, criminal misconduct, and fraud.

As we have already seen, frivolous litigation<sup>1</sup> targeting responsible institutions that have followed available guidance and the latest science is eroding the trust required for a safe and robust economic recovery. The virtuous cycles of mutual benefit within communities, between businesses and customers, health care providers, and patients are essential for Kansas to embark on a safe and steady economic recovery path.

First responders, medical care facilities, health care providers, charities, and businesses large and small have come together to fight COVID-19 pandemic stepping up to provide care and relief to the communities they serve. If this body were to fail to provide necessary liability protections, these community efforts could be derailed with the potential to disrupt our economic recovery, increase health care costs, and cause the price of goods and services to soar.

Thoroughly evaluating Kansas' existing laws and adopting proactive legislation that distinguishes legitimate from frivolous claims, particularly COVID-19 claims, is responsible public policy, and we commend you have returned to our state capitol to address these critical issues.

We also commend the extension of the healthcare components of this bill. If the COVID-19 crisis has shown us anything, it's that doubling down on today's bureaucratic approach to health care won't work. In fact, we are starting to get a glimpse of what's possible by taking a different approach—one that

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<sup>1</sup> COVID-19 Complaint Tracker <https://www.huntonak.com/en/covid-19-tracker.html>



trusts doctors, nurses, and medical researchers rather than holding them back. As policymakers start to remove barriers to care, it's empowering frontline medical professionals who know their patients to give them the health care they deserve. The reforms outlined in this bill are important not only during this current time, but for long term reform in Kansas.

We appreciate your consideration and look forward to working with you to ensure workers, businesses, and families can continue without having the threat of uncertainty breathing down their necks.

Sincerely,

Elizabeth Patton,  
State Director  
Americans for Prosperity Kansas