

May 19, 2021

The Honorable Larry Alley, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator Alley:

**SUBJECT:** Fiscal Note for SB 308 by Senate Committee on Federal and State Affairs

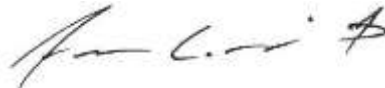
In accordance with KSA 75-3715a, the following fiscal note concerning SB 308 is respectfully submitted to your committee.

SB 308 would create the Healthcare Individual Rights Affirmation Act. The bill would state that an individual could not be denied access to a place accessible to the general public because of a decision to wear or not wear a face covering. Also, an individual could not be denied housing or refuse access to a place accessible to the general public because of a decision to receive or not receive a vaccination.

In addition, the bill would state that a physician shall prescribe a drug that has been approved by the federal Food and Drug Administration for an off-label use. A physician would be required to conduct an in-person examination of the patient and conduct a consultation with the patient or patient's legal representative. In addition, the physician would need a written request from the patient or patient's representative. The provisions of this part of the bill would not apply to the definition of "controlled substances," as defined in KSA 65-5701. A physician would be immune from civil liability for damages, administrative fines, or penalties for prescribing a drug for off-label use under provisions of the bill. Also, the bill would state that actions taken by a physician under this provision of the bill would not be considered unprofessional conduct, as defined by KSA 65-2837.

The Board of Pharmacy indicates SB 308 could result in additional complaints and subsequent investigations to perform by the agency. However, the number of complaints and a fiscal effect cannot be estimated. Any fiscal effect associated with SB 308 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Susan Gile, Board of Healing Arts  
Alexandra Blasi, Board of Pharmacy  
Willie Prescott, Office of the Attorney General