

March 19, 2023

The Honorable Brenda Landwehr, Chairperson
House Committee on Health and Human Services
300 SW 10th Avenue, Room 112-N
Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2439 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2439 is respectfully submitted to your committee.

HB 2439 would amend the Woman's Right-to-Know Act to require a specific notice to be posted in the manner required in the bill at certain facilities where mifepristone is prescribed, dispensed, or administered. The bill would include requirements for the notice, which would include a warning that mifepristone alone is not always effective in ending a pregnancy and a statement that it may be possible to reverse the intended effect if the second pill or tablet has not been taken or administered. The notice would also be required to include information about the Kansas Department of Health and Environment (KDHE) website required by KSA 65-6710, which would also be updated by the provisions in the bill, and other relevant resources where the patient could obtain timely assistance to attempt to reverse the medication abortion. In addition to the posted notice, the bill would also require specific information be provided, in writing, to any woman seeking a medication abortion using mifepristone. There would be an exception for medical emergencies, which would include different requirements for information provided when mifepristone was administered. The bill would also include various related definitions and would provide for criminal and civil actions for violation of provisions within the bill.

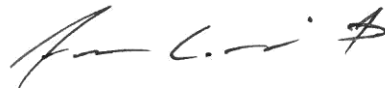
According to KDHE, enactment of HB 2439 would result in additional expenditures of \$21,250 in FY 2023 and \$85,000 in FY 2024, all from the State General Fund, as well as 1.00 new FTE position. The agency would be required to update and print Woman's Right-to-Know materials, no funds are currently allocated for this purpose. The agency also notes they do not have a program to issue the civil penalty and they have no way to investigate or verify all facilities that would be in compliance with the provisions of the bill. The agency would require 1.00 FTE position to monitor the facilities and fulfill the requirements of the bill. The agency estimates

\$85,000 for salaries and wages, as well as administrative and printing costs. The FY 2023 amount is estimated for three months of expenditures and would be needed to ensure compliance when the bill becomes effective in FY 2024. The revenue generated by fines for violations of provisions of the bill would be deposited to the State General Fund and the total revenue could not be estimated.

The Office of Judicial Administration states enactment of HB 2439 could increase the number of cases filed in district court because it creates a new crime and also allows for civil suits to be filed, which could result in more time spent by district court judicial and nonjudicial personnel processing, researching, and hearing these cases. The bill could also require more supervision of offenders to be performed by court services officers. 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. According to the Office, a fiscal effect cannot be estimated.

The Office of the Attorney General states that the measure could be challenged in state or federal court, but a fiscal effect could not be estimated. The Kansas State Board of Healing Arts reports that the bill could result in some actionable complaints, but these would be handled within existing resources. The Kansas Board of Pharmacy states the bill would not result in a fiscal effect on agency operations. Any fiscal effect associated with HB 2439 is not reflected in *The FY 2024 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
Amy Penrod, Department of Health & Environment
John Milburn, Office of the Attorney General
Vicki Jacobsen, Judiciary