



TESTIMONY OF
VIGNESH GANAPATHY
POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS

IN SUPPORT OF HB 2704
KANSAS HOUSE COMMITTEE ON CHILDREN AND SENIORS

FEBRUARY 15, 2018

-WRITTEN TESTIMONY ONLY-

Thank you, Chair Davis, and members of the Children and Seniors Committee for affording us the opportunity to provide testimony on HB 2704.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas is pleased to support HB 2704. This bill would require informed consent before an antipsychotic medication is administered to an adult home care resident. Specifically, the ACLU of Kansas supports HB 2704 because:

- **No person should be forced to accept unwanted medical treatment, especially without a supporting diagnosis.** Adults placed under home care should be afforded the same ability to give informed consent for the administration of antipsychotics as other individuals. Current law does not require a supporting diagnosis for these medications, creating a significant risk that they may be administered improperly or without just cause. Furthermore, consent in writing would ensure accountability as to whether a drug was administered in contradiction to a person's wishes.
- **There are less restrictive means to administer treatment without infringing on the constitutional right to privacy and bodily integrity.** We urge the legislature to consider encouraging the practice of powers of attorney for health care, supported decision-making models, and advanced health care directives. Contracts between the person under care and the individuals they trust—and choose themselves—can preserve bodily integrity and choice. We should look into these options first rather than reflexively stripping a person of their civil liberties.

Therefore, we urge this committee to vote “Yes” on HB 2704.