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LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Children and Seniors  
From: Kyle Hamilton, Assistant Revisor of Statutes  
Date: January 22, 2020  
Subject: Bill Brief on HB 2438

HB 2438 would amend K.S.A. 22a-243, the statute that establishes the state child death review board, to allow the board to disclose information and records acquired by the board to certain entities. Generally, the information and records obtained by the board are confidential and may not be disclosed and are not subject to subpoena, discovery or introduction in any court proceeding. The bill would expand the language of subsection (j) to add additional exceptions to this general rule. The exception would apply to:

1. Legislators and legislative committees with the responsibility of the board's enabling legislation or appropriations. Any such committee would need to recess into a closed meeting.
2. A person or entity contracting with the board, if the disclosure is essential to complete the contract.
3. Statistics or conclusions of the board of the same type included in the board's annual report.
4. Any law enforcement agency of the state if the disclosure is related to the death of a child caused by abuse or neglect, and the disclosed material was not available for the law enforcement agency's investigation of the child's death.

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5. A county or district attorney if the disclosure is related to the death of a child caused by abuse or neglect, and the disclosed material was not available for the prosecution of crimes related to the cause of the child's death.
  
6. A state licensing body if the disclosed materials are related to a disciplinary complaint against a licensed person; or if a board member is under a professional obligation to make such complaint; or if a person licensed by the licensing body may have caused or contributed to the child's death.
  
7. A governmental agency or organization with a federalwide assurance (FWA) in good standing from HHS if: An institutional review board designated in the FWA has reviewed the research proposal; personally identifiable information has been redacted; the disclosure is only for health or education purposes; and the agency or organization requires all persons with access to the disclosed material to sign a confidentiality agreement.

HB 2438 would become effective upon publication in the statute book, on July 1, 2020.