

SESSION OF 2024

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 287**

As Amended by House Committee of the Whole

**Brief\***

House Sub. for SB 287 would require parental consent to health care services for a minor child provided in a school facility. In the event of a violation, the bill would require the appropriate health care provider's licensing agency to take professional discipline against the health care provider.

**Definitions**

The bill would define the following terms:

- "Appropriate licensing agency" would mean the agency that issues the license, certification, or registration to the health care provider;
- "Behavioral health crisis" would mean behavioral and conduct issues that impact the safety or health of a juvenile, members of the juvenile's household, or family or members of the community, including, but not limited to, non-life-threatening mental health and substance abuse concerns;
- "Consent" would mean assent in fact, whether expressed or apparent;
- "Drug" would mean articles:
  - Recognized in the official U. S. Pharmacopeia, or other such official

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

compendiums of the United States, or official national formulary, or any supplement to any of them;

- Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human or other animals;
  - Other than food, intended to affect the structure or any function of the body of human or other animals; and
  - Intended for use as a component of any articles specified previously; but does not include devices or their components, parts, or accessories, except that the term “drug” does not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with statute regarding livestock and domestic animals prior to its repeal;
- “Healthcare provider” would mean a person who is licensed by or holds a temporary permit to practice that is issued by the State Board of Healing Arts, the Board of Nursing, or the Behavioral Sciences Regulatory Board;
  - “Minor” would mean an individual under 18 years of age;
  - “Parent,” as defined in KSA 38-141, which includes the following: a natural parent, an adoptive parent, a stepparent, or a guardian or conservator of a child who is liable by law to maintain, care for, or support the child; and
  - “School facility” would mean any building or structure owned, operated, or maintained by the State Board of Education of a public school or by the governing body of an accredited nonpublic school if such facility is accessible to students.

### ***Health Care Prohibitions at a School Facility***

Unless the health care provider has the consent of a minor's parent, the bill would prohibit a health care provider at a school facility from the following actions:

- Prescribing, dispensing, or administering any prescription or nonprescription drug;
- Administering a diagnostic test with the minor's bodily fluid; or
- Conducting ongoing behavioral health treatment.

A health care provider who violates these provisions would be subject to professional discipline from the health care provider's appropriate licensing agency.

### ***Exceptions***

The bill would not prevent a health care provider at a school facility from the following actions:

- Administering a non-academic test, questionnaire, survey, or examination pursuant to KSA 72-6316;
- Administering a suicide risk assessment or screening tool for suicide risk, pursuant to KSA 72-6316(f), or conducting a behavioral health assessment or intervention for a minor experiencing a behavioral health crisis;
- Conducting a school-based screening required by law; or
- Providing education to a minor.

### ***Consent Requirements Not Changed***

The bill would clarify that this bill would not repeal nor change any consent requirements in current law provided in the following statutes:

**KSA 38-122.** Consent by a parent for surgery and other procedures on a child.

**KSA 38-123.** Consent for medical care of an unmarried pregnant minor.

**KSA 38-123a.** Donation of blood by persons over 16; compensation.

**KSA 38-137.** Immunization of minor children; written delegation of consent by parent; consent for immunization by person other than parent; when.

**KSA 38-2217.** Health services (Kansas Code for Care of Children).

**KSA 65-2891.** Emergency care by health care providers; liability; standards of care applicable; definition of health care provider.

**KSA 65-2892.** Examination and treatment of persons under 18 for venereal disease; liability.

**KSA 65-2892a.** Examination and treatment of minors for drug abuse, misuse, or addiction; liability.

### **Background**

The House Committee on Health and Human Services recommended a substitute bill incorporating provisions of HB 2793, as amended by the House Committee on Health and Human Services.

SB 287 would have amended the provisions of the Kansas Silver Alert Plan regarding issuance of an alert for a person 18 years of age or older when certain conditions were met. The provisions of SB 287 were not retained in the substitute bill.

### ***HB 2793***

HB 2793 was introduced by the House Committee on Health and Human Services at the request of Representative Bryce.

#### *House Committee on Health and Human Services*

In the House Committee hearing on February 15, 2024, Representative Bryce, a representative of Kansas Medical Society, and a private citizen provided **proponent** testimony, stating generally that the bill would clarify definitions for consent of medical treatment for minors.

Written-only proponent testimony was provided by a pastor and four private citizens.

Representatives of the Board of Nursing, the Kansas Chapter American Academy of Pediatrics, Kansas Mental Health Coalition, and Wyandot Behavioral Healthcare provided **opponent** testimony, stating generally that health care services covered by the bill are very broad and the bill's provisions may result in unintended consequences or a delay in care. The opponents also noted a lack of clarity regarding behavioral health emergency services and other mental health services.

Written-only opponent testimony was provided by the Board of the Kansas School Nurses Association, Equality Kansas, Johnson County Department of Health and Environment, Kansas Academy of Family Physicians, Kansas Association of School Boards, and Loud Light Civic Action.

No other testimony was provided.

The House Committee amended the bill to:

- Provide definitions for “behavioral health crisis,” “drug,” and “school facility”;
- Remove the definition for “healthcare service”;
- Clarify the definition for “healthcare provider”;
- Clarify what a health care provider would be allowed to do with consent while at a school facility; and
- Clarify the statutes that would be exempt from the provisions of the bill and retain KSA 38-123 and KSA 65-2892a.

The House Committee removed the contents of SB 287, inserted the amended contents of HB 2793, and recommended a substitute bill be passed.

#### *House Committee of the Whole*

The House Committee of the Whole amended the bill to clarify that the provisions of KSA 72-6316 would continue to be allowed to be conducted within a school facility.

#### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on HB 2793, as introduced, the Behavioral Sciences Regulatory Board and the Board of Nursing indicate any fiscal effect related to enactment of the bill would be absorbed within existing resources.

Health and healthcare; children and minors; parental consent; school facility