

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 315

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 315, as amended, would create an exemption provision to vaccine requirements for individuals at child care centers and schools for sincerely held religious beliefs, as defined by the bill, and no further inquiry of the sincerity of the belief would be allowed. The bill would also amend certain definitions in law, repeal a vaccination requirement, and make technical amendments.

Definitions

The bill would add the following definitions:

- “Employee” would also mean a student attending a public or nonpublic high school or a postsecondary educational institution who, as part of coursework, interacts with patients and delivers care at a health care facility under the supervision of an individual licensed to provide patient care; and
- “Vaccine” would mean an immunization, vaccination, injection, or series thereof that is administered to stimulate immunity against a particular disease.

*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>

Child Care Facilities and Board of Education of a School District

The bill would require child care facilities and a board of education of a school district to grant an exemption to vaccine requirements when requested based on sincerely held religious beliefs without inquiring into the sincerity of the request.

The bill would define “religious beliefs” to include, but not be limited to, theistic and non-theistic moral and ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views.

Repeal of KSA 76-761a

The bill would repeal the provisions of KSA 76-761a, which requires a meningitis vaccine to live in student housing on colleges and universities in Kansas.

Background

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Thompson. The bill was referred to the Senate Committee on Public Health and Welfare on March 16, 2023.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing on March 21, 2023, **proponent** testimony was provided by an attorney, two physicians, a precinct committeewoman, and three private citizens. The proponents generally stated that sincerely held religious beliefs should be protected, and individuals should not have to choose between the right to practice their religious beliefs and their profession.

Written-only proponent testimony was provided by two physicians, a nurse, a pharmacist, 84 private citizens, representatives of Kansas Health Freedom, a Republican Precinct Committeeman, a Douglas County Committeeman, Sedgwick County Precinct Committeewoman and two precinct committeepersons.

Written-only neutral testimony was provided by a representative of the Kansas Department of Health and Environment.

Opponent testimony was provided by representatives of the American Academy of Pediatrics Kansas Chapter, Kansas Board of Regents, Kansas Chamber of Commerce, Kansas Interfaith Action, Kansas School Nurses Organization and Immunize Kansas Coalition. The opponents provided testimony that addressed specific concerns to the various groups referenced in the bill. Representatives of the workforce stated the current protections for employers are only related to the COVID-19 vaccine, and an amendment was requested for liability protections for employers. Representatives of students raised concerns regarding the number of vulnerable students who are unable to be vaccinated or have a series of vaccinations interrupted as well as concerns regarding how the specific language would be interpreted for requirements to reside in student housing on campuses. Representatives of the faith community raised concerns that members of the multiple religious denominations have openly stated that there is not a religious basis for objecting to vaccines.

Written-only opponent testimony was provided by representatives of the Kansas Academy of Family Physicians, Kansas Action for Children, Kansas Association of Local Health Departments, Kansas Chapter of the American Academy on Pediatrics, Kansas Council of Health System Pharmacy, Kansas Head Start Association, Kansas Medical Society, Kansas Public Health Association, Nurture KC, Sedgwick County Health Department, and Unified Government Public Health Department of Wyandotte County

and Kansas City, Kansas, 3 physicians, 1 member of the clergy, 12 nursing professionals, and 9 private citizens.

The Senate Committee amended the bill to remove the employer requirements to allow for an exemption for any vaccine.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Labor reports that enactment of the bill has the potential to increase the workload related to legal reviews and investigations for reported employer violations. There would also be additional revenue due to fees collected from employers in violation; however, a fiscal effect is unable to be estimated. The Office of Judicial Administration reports that enactment of the bill would have a negligible effect on expenditures and revenues for the Judicial Branch. The Kansas Department of Health and Environment states that enactment of the bill would not have a fiscal effect on agency operations.

According to the Kansas Board of Regents, enactment of the bill would not have a fiscal effect on public postsecondary educational institutions, and the State Department of Education estimates a negligible effect on agency operations and school districts. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

The League of Kansas Municipalities states enactment of the bill would not have a fiscal effect on cities. The Kansas Association of Counties states the bill could potentially affect counties by altering employment processes and impacting child care facilities within the county. A total fiscal effect could not be estimated.

Schools; vaccine; students; vaccinations; exemptions; employer; meningitis; child care facilities