Session of 2025

SENATE BILL No. 19

By Committee on Public Health and Welfare

1-16

AN ACT concerning public health; relating to medical care; enacting the conscientious right to refuse act; prohibiting discrimination against individuals who refuse certain medical interventions and creating a civil cause of action against entities who discriminate based upon such medical care refusal; revoking the authority of the secretary of health and environment to order individuals to isolate or quarantine and impose penalties for violations thereof; repealing K.S.A. 65-126, 65-127, 65-129 and 65-129c.

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) This section shall be known and may be cited as the conscientious right to refuse act.

(b) An employer, healthcare entity, school or person shall not commit any of the following acts based on an individual's refusal of any vaccination, biologic, pharmaceutical, drug, gene editing technology, DNA- or RNA-based product if such individual's refusal is for reasons of conscience:

(1) Adverse employment action, including, but not limited to, refusal to hire, dismissal or warning of possible dismissal, demotion, transfer, reassignment, suspension, reprimand, withholding of work, assessing any monetary penalty or unreasonable charge or discrimination in compensation or in terms, conditions or privileges of employment;

(2) denial of goods or services;

(3) denial of entry to a place otherwise accessible to the general public;

(4) segregation or separation of such individual from others without a valid business necessity;

(5) denial of housing;

(6) assessment of a financial penalty against such individual; or

(7) treatment of an individual differently from any other individual who accepted the medical intervention described in this subsection.

(c) (1) An individual who suffers any direct or indirect injury as a result of a violation of this section shall have a private cause of action for actual damages, injunctive relief and any other appropriate relief. Any action commenced under this section shall be filed within two years from the date that the injury occurs or after the act giving rise to the cause of

action.

(2) In an action brought for a violation of this section, a prevailing plaintiff shall recover three times the amount of actual damages sustained or $10,000, whichever is greater, and the cost of the suit, including reasonable attorney fees.

(d) As used in this section:

(1) "Conscience" means 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.

(2) "Employer" means any person in this state who employs one or more persons. "Employer" includes the state of Kansas and all political subdivisions of the state.

(3) "Governmental entity" means the same as in K.S.A. 75-6102, and amendments thereto.

(4) "Healthcare entity" means a healthcare provider, a licensed medical care facility, a provider-sponsored organization, an insurance company, a health maintenance organization or an administrator of a health benefits plan or any other healthcare facility or organization.

(5) "Healthcare provider" means any person licensed or otherwise authorized by law to provide healthcare services in this state or a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by law to form such corporation and are healthcare providers, as defined in this subsection, or an officer, employee or agent thereof acting in the course and scope of employment or agency.

(6) "Medical care facility" means a hospital, ambulatory surgical center or recuperation center, an adult care home, a hospice certified to participate in the medicare program under C.F.R. 418.1 § et seq. that provides services only to hospice patients, a public health center, a mental health center or mental health clinic licensed by the state of Kansas, a licensed psychiatric hospital or other facility or office where services of a healthcare provider are provided directly to patients.

(7) "Person" means an individual, partnership, association, organization, corporation, company, governmental entity, legal representative, trustee, trustee in bankruptcy or receiver.

(8) "School" means a public school or accredited nonpublic school or postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto.

Sec. 2. K.S.A. 65-126, 65-127, 65-129 and 65-129c are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.