

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

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

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**MEMORANDUM**

To: Senate Committee on Public Health and Welfare  
From: Office of Revisor of Statutes  
Date: February 23, 2024  
Subject: Bill Brief on Senate Bill 390

Senate Bill 390 enacts the conscientious right to refuse act to prohibit discrimination against individuals to refuse medical care and creating a civil cause of action based on such discrimination; repealing the authority of the secretary of health and environment to quarantine individuals and impose associated penalties.

Section 1 subsection (a) names the section as the conscientious right to refuse act.

Subsection (b) prohibits an employer, healthcare entity, school, or person from committing acts based on an individual's refusal to take a vaccination, pharmaceutical, or gene editing technology if such refusal is for reason of conscience, which include:

- 1) Adverse employment actions
- 2) Denial of goods or services
- 3) Denial of entry to a place otherwise accessible to the general public
- 4) Segregation or separation from others without a valid business necessity
- 5) Denial of housing
- 6) Assessment of a financial penalty
- 7) Treatment of an individual differently from any other individual who accepted the medical intervention

Subsection (c) sets out a civil cause of action for individuals who have suffered injury as a result of a violation of the section. The statute of limitations would be two years. A prevailing plaintiff is entitled to recover three times the amount of actual damages sustained or \$10,000, whichever ever is greater, as well as the cost of the suit an attorney fees.

Subsection (d) defines the terms "conscience," "employer," "healthcare entity," "person," and "school."

This bill would also repeal K.S.A. 65-126 (secretary quarantine authority), K.S.A. 65-127 (fines for violations of certain health statutes), K.S.A. 65-129 (criminal penalties for violating quarantine) and K.S.A. 65-129c (local health office or secretary isolation and quarantine procedure).