

March 30, 2023

REVISED

The Honorable Mike Thompson, Chairperson  
Senate Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 144-S  
Topeka, Kansas 66612

Dear Senator Thompson:

**SUBJECT:** Revised Fiscal Note for SB 286 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following revised fiscal note concerning SB 286 is respectfully submitted to your committee.

SB 286 would prohibit abortions from being performed or induced, or attempted to be performed or induced, except when necessary to preserve the life of a pregnant woman in a medical emergency. The bill would also specify it would be unlawful for any person to manufacture, distribute, prescribe, dispense, sell, give, or otherwise provide certain abortifacient drugs for the purpose of inducing an abortion in violation of the prohibition. Current statutory provisions related to abortions would be amended to be consistent with the bill's provisions. The bill would specify the prohibitions would also be in effect at any hospitals or clinics under the University of Kansas Hospital Authority. Violation of provisions of the bill would be enforced exclusively through the private civil enforcement actions outlined in the bill. The bill would include definitions and clarifications for several terms, including "abortion," "imminent harm," "medical emergency," "miscarriage," and "unborn child" and would also update the terms throughout statute to reference the new definitions.

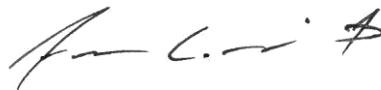
According to the Kansas Board of Pharmacy, enactment of SB 286 could increase the number of complaints, investigations, questions, and discipline associated with this bill, which could also translate into an increase in the number of disciplinary cases against pharmacists. Complaints could be related to problems with availability and dispensing for authorized purposes without implicating unlawful dispensations. The Board states it is unknown whether complaints would be outside their jurisdiction, but administrative and investigative staff and resources may still be necessary for the agency to appropriately respond. The Board states there are also other

implications that are difficult to estimate as the bill could create conflict and confusion between availability of medications in different states as many pharmacists carry multi state licenses and many non-resident pharmacies provide pharmacy services to Kansas patients. There could also be conflict and confusion created in dispensing valid prescriptions because medication and prescription orders do not include diagnosis codes or prescriber rationale. The total fiscal effect related to passage of the bill could not be estimated.

Since the original fiscal note was issued, the Office of the Attorney General has provided information on the fiscal effect of this bill. The agency states that like any law, the measure could be challenged in state or federal court, and such challenges could span several levels of appeal over the course of multiple fiscal years. The agency is unable to estimate a fiscal effect as there is no way to determine if there would be challenges to the law, or the success or failure of efforts to defend the law. The Office of Judicial Administration states enactment of SB 286 could increase the number of cases filed in district court because it creates allows for civil actions to be filed for any alleged violations of the provisions of the bill, which could result in more time spent by district court judicial and nonjudicial personnel processing, researching, and hearing these cases. The Office estimates enactment of the bill could result in the collection of docket fees assessed in those cases filed under the bill's provisions. According to the Office, a fiscal effect cannot be estimated.

The Kansas State Board of Healing Arts states that any additional costs related to passage of the bill will be handled within existing resources. The Kansas Department of Health and Environment, the Department of Revenue, and the University of Kansas Medical Center state the bill would not result in a fiscal effect on the operations of any of the respective agencies. Any fiscal effect associated with SB 286 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Susan Gile, Board of Healing Arts  
Alexandra Blasi, Board of Pharmacy  
Vicki Jacobsen, Judiciary  
Jeff Dewitt, University of Kansas  
Amy Penrod, Department of Health & Environment  
Lynn Robinson, Department of Revenue