

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2429

As Amended by House Committee on Health
and Human Services

Brief*

HB 2429, as amended, would enact the Alternatives to Abortion Program (Program), to be administered by the Secretary for Children and Families (Secretary), and create a public awareness program to promote Program services.

Alternatives to Abortion Program Services

The Program would serve as a statewide program to enhance and increase resources that promote childbirth instead of abortion to women facing unplanned pregnancies. The Program would offer a full range of services, including pregnancy support centers, adoption assistance, and maternity homes.

The Program would include only the following services:

- Counseling and mentoring;
- Care coordination for prenatal services, including connecting clients to health programs;
- Providing educational materials and information about pregnancy and parenting;
- Referrals to county and social service programs, including, but not limited to, child care,

*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>

transportation, housing, and state and federal benefit programs;

- Classes on life skills, budgeting, parenting, stress management, job training, job placement, and obtaining a GED certificate;
- Providing material items, including, but not limited to, car seats, cribs, maternity clothes, infant diapers, and formula; and
- Support groups in maternity homes.

The bill would provide for Program services to be available to any Kansas resident who is:

- A pregnant woman;
- The biological father of an unborn child;
- The biological or adoptive parent of a child 24 months of age or younger;
- A Program participant who has experienced the loss of a child; or
- A parent of legal guardian of a pregnant child who is a Program participant.

The provision and delivery of services under the Program would be dependent on participant needs as assessed by the nonprofit organization providing the services and not otherwise prioritized by the Secretary. The bill would provide for such services to be available to participants only during pregnancy and continuing for up to two years after the birth of the child.

Program Facilitation and Funding

The bill would require the State Treasurer to contract with one nonprofit organization to provide services under the Program. Such nonprofit organization would contract with existing pregnancy centers, adoption agencies, maternity homes, and social service organizations that promote childbirth instead of abortion to provide the services described in the bill. The contractor and subcontractors would be able to provide services in addition to the services described that would not otherwise be inconsistent with the bill, but such services would not be funded under the Program.

The bill would require the Secretary, to the greatest extent possible, to supplement and match moneys appropriated for the Program with federal and other public and private moneys. The Secretary would be required to prioritize such additional moneys to be used preferentially for the Program. The bill would require the Secretary to remit supplemental and matching moneys to the State Treasurer in accordance with statute, and such moneys would be expended for the Program.

The Program and any moneys expended could not be used to or provided to organizations that perform, induce, assist in the performance or inducement of, or refer for abortions.

Contract Length and Penalties

The bill would specify that any contract or renewal awarded for the Program would be for a term of not longer than two years.

The bill would require the State Treasurer to assess an administrative fine against any nonprofit organization awarded a contract with the Program for failure to satisfy Program requirements or for the intentional or reckless

misuse of any funds awarded by the terms of the contract. The fine would be in the amount of 10 percent of the funds awarded by the terms of the contract, and the State Treasurer would be directed to deposit any moneys recovered from any such fine into the State Treasury to the credit of the State General Fund.

Program Reporting

The bill would require the nonprofit organization contracted for the Program to submit a report on the administration of the Program to the Legislature and the State Treasurer on or before July 31 of each year. The report would be required to include:

- The number of clients enrolled in the Program;
- The number of clients who participated in case management services provided under the Program;
- The number of case management hours provided under the Program;
- The number of clients engaged in educational services or job training and placement activities under the Program;
- The number of newborns who were born to Program participants;
- The number of such newborns placed for adoption;
- The number of fathers who participated in Program services;
- The number of client satisfaction surveys completed; and

- Any other information to show the success of the contractor's administration of the Program.

Public Awareness Program

The bill would establish the Alternatives to Abortion Public Awareness Program (Public Awareness Program) and direct the nonprofit organization providing services under contract with the State Treasurer to administer the Public Awareness Program for the purpose of helping pregnant women who are at risk of having abortions to be made aware of the alternatives to abortion services.

The Public Awareness Program would include the development and promotion of a website that provides a geographically indexed list of alternatives to abortion services and available subcontractors. The bill would require such agencies to be entities that are exempt from income tax pursuant to the Internal Revenue Code and provide alternatives to abortion services.

The bill would allow the Public Awareness Program to use television, radio, outdoor advertising, newspapers, magazines, other print media, and the internet and other means to provide information about alternatives to abortion services, agencies, and contractors.

Public Awareness Program Funding

To the greatest extent possible, the bill would require the Secretary to supplement and match moneys appropriated for the Public Awareness Program with federal and other public and private moneys. The Secretary would be required to prioritize such additional moneys to be used preferentially for the Public Awareness Program. The bill would direct the Secretary to remit supplemental and matching moneys to the State Treasurer in accordance with statute, and such moneys would be expended for the Program.

The Public Awareness Program and any moneys expended would not be used to or provided to organizations or affiliates of organizations that perform, induce, assist in the performance or inducement of, or refer for abortions.

Background

The bill was introduced by the House Committee on Appropriations at the request of Representative Landwehr.

House Committee on Health and Human Services

At the House Committee hearing on March 7, 2023, **proponent** testimony was provided by representatives of Kansans for Life; Kansas Catholic Conference; Nativity House KC; Catholic Charities of Northeast Kansas; and Embrace of Wichita, Inc., who generally stated the bill would provide additional resources for women experiencing unplanned pregnancies and that such services are in demand around the state.

Written-only proponent testimony was provided by Campaign Life Missouri and a private citizen.

Written-only **opponent** testimony was provided by Planned Parenthood Great Plains Votes and three private citizens.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Kansas Department of Health and Environment (KDHE) administers the Stan Clark Pregnancy Maintenance Initiative which is a state grant program designed to help low-income women carry pregnancies to term. It granted \$338,846 in FY 2022 to 10 agencies which provided educational and vocational support, prenatal care, and postnatal services to 834 program

participants. This is an average of \$406 per participant and this program contains many, but not all, of the elements detailed in the bill.

The Department for Children and Families (DCF) indicates that if the agency would be required to implement such a program, the nonprofit organization contracted with by the State Treasurer would provide all the services in the bill, assessments to determine participants served, and any subcontracting to offer a full range of services. DCF requirements would be to coordinate with the State Treasurer for the program management contract and to provide supplementing and matching moneys with federal and other public and private funding to moneys appropriated to this program.

DCF states that the only federal funding that would be applicable to this program is Temporary Assistance for Needy Families (TANF) which is fully obligated. All proposed items may not be a TANF eligible service. Since DCF is currently spending more TANF than the annual grant, the use of TANF for this purpose would require a reduction in other TANF-funded programs or services.

Assumptions for Population to Serve

	2021	2020	2019	2018
Total Abortions Reported in Kansas by Year	7849	7847	6904	6996
Total Abortions Reported for Kansas Residents	3937	3641	3543	3550

Per historical abortion data reported by KDHE, DCF estimates that abortions for Kansas residents will increase by

3.75 percent each year, making the number for 2024 approximately 4,400. DCF assumes that these women would represent the primary group of Program participants the agency should anticipate. If Program participants were to receive services in the amount of \$406 as seen in the Stan Clark program, the result would be an estimated fiscal effect on expenditures of \$1,786,400 from the State General Fund. Regarding the biological fathers of the unborn and the biological or adoptive parents of children 24 months of age or younger, the agency is not able to provide an estimate of the number who would request services.

The State Treasurer's Office indicates the bill would require the Office to account for receipts and disbursements, develop a request for proposal for the Program management contract, and formally enter into the Program management contract on behalf of the State of Kansas. The contracting and accounting duties required by the Office would be performed using existing resources.

The Kansas Department of Revenue and KDHE indicate that the bill would have no fiscal effect on the agencies.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Alternatives to Abortion Program; Alternatives to Abortion Public Awareness Program; abortion; pregnancy; pregnancy centers; maternity homes; adoption agencies; State Treasurer; Department for Children and Families