



Testimony in Support of H.B. 2727

Brittany Jones

House Federal and States Affairs

February 12, 2026

Chairman Kessler, and members of the committee, my name is Brittany Jones. I am an attorney and the President of Kansas Family Voice. We are grateful for the opportunity to explain why H.B. 2727 gives women real means to enforce the law if their rights are violated. H.B. 2727 creates a streamlined statutory damages mechanism for women to enforce their rights under the Woman's Right to Know Act.

The Woman's Right to Know Act guarantees Kansas women the right to receive truthful, scientifically accurate information before undergoing an abortion. It requires disclosure of the procedure's risks and alternatives, information about the developing child, notice of available support services, and other material facts. These protections exist because the Legislature recognized—and the trial record in *Hodes & Nausser v. Kobach* has now confirmed—that without them, women often do not receive adequate informed consent.

The key provisions of H.B. 2727 allows woman alleging a violation of the informed-consent requirements to limit her recovery and if the plaintiff makes this election, the case does not go through the medical malpractice screening panel system, which normally applies to medical-related claims in Kansas.

Current enforcement is insufficient for a woman who has been harmed to be made whole. A woman who was not been told about the risks of abortion, who was not informed that she could withdraw her consent, or who was not given the opportunity to view an ultrasound may not suffer quantifiable economic damages in the traditional sense. Yet the violation of her statutory rights is real and serious.

Moreover, under current Kansas law, medical malpractice claims, including claims arising from failures of informed consent, must first be submitted to a medical malpractice screening panel under K.S.A. 65-4901 through 65-4908. This process adds time, cost, and complexity that can deter women from vindicating their rights, particularly those of modest means.

Statutory damages are a well-established feature of American law. Congress and state legislatures routinely provide statutory damages where the harm from a violation is real but difficult to quantify in traditional economic terms. Federal law provides statutory damages for violations of the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, and numerous privacy statutes. Kansas law provides statutory damages in several consumer protection contexts. The principle is the same: where a



legal right has been violated and the injury is inherently difficult to quantify, a fixed statutory award ensures the right is not illusory.

The \$5,000 amount is reasonable and proportionate. It is sufficient to make enforcement meaningful. Combined with the recovery of amounts paid for the abortion and reasonable attorney fees, it ensures that a woman can retain counsel and pursue her claim without financial risk.

The proposed amendment does not replace any existing remedy. It supplements them. A woman who suffers significant actual damages retains the full range of tort remedies available under current law. The statutory damages election is simply an additional option for women whose primary injury is the denial of their statutory right to informed consent. The amendment also expressly preserves the separate civil action provisions already contained in K.S.A. 65-6716(h) for violations of the medication abortion reversal disclosure requirements, to which the screening panel requirements are already inapplicable.

This is why we ask that you pass H.B 2727 out favorably for passage!

Thank you!

[T]he outcome of this litigation does nothing to impact or impair any woman's right to commence litigation against a provider, if she believes she has not received proper informed consent. . . . Nothing in any Judgment entered herein would preclude such a separate action by any patients against any provider or hinder the vindication of such "rights," if proven.

MTD Ruling at 17-18.