



Senate Committee on Judiciary

Presented by Eric Stafford, VP of Government Affairs, Kansas Chamber

Testimony in Support of Senate Bill 398- Expert Evidence Standard

Thursday, February 5, 2026

Madam Chair and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large-sized businesses across the state, advocating for policies which improve the economic climate in Kansas. We appreciate the opportunity to submit comments in support of Senate Bill 398, which modifies Kansas statute to reflect recent changes under Federal Rule of Evidence 702.

In 2014, the Kansas Chamber along with a coalition of business groups passed legislation that was a broad package of legal reform provisions, including an increase on non-economic damages (later ruled unconstitutional by our Supreme Court). As a “trade-off” for an increase in caps, the coalition sought several changes to help address deficiencies in our court system, including adoption of the Federal “Daubert” standard which held expert evidence to a higher standard than the old “Frye” standard.

In December 2023, several clarifying amendments were made to FRE 702, to reinforce the trial judge’s “gatekeeping role” and to prevent misapplication of the rule. Being that Kansas is a statutory state for expert evidence, K.S.A 60-456(b) needs to be updated to reflect these changes. States with statutory expert evidence standards across the country have taken action. Arizona, Kentucky, Michigan and Ohio adopted these changes by court rule. Louisiana and Oklahoma passed legislation similar to SB 398, and Missouri is considering legislation in 2026 as well.

In closing, we ask for this committee to support Senate Bill 398 in what we believe to be a relatively simple cleanup of statute to reflect FRE 702 changes. We appreciate the opportunity to submit testimony in support of Senate Bill 398, and I would be happy to answer any questions the committee may have.