

SESSION OF 2025

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR
HOUSE BILL NO. 2313**

As Recommended by Senate Committee on
Federal and State Affairs

Brief*

Senate Sub. for HB 2313 would prohibit state agencies from allowing employees to access artificial intelligence (AI) platforms of concern on state-owned or state-issued electronic devices and prohibit all medical and research facilities in the state from using genetic sequencers or operational or research software used for genetic analysis produced in or by a foreign adversary or affiliated entity.

***Prohibition on Artificial Intelligence Platform of Concern
(HB 2313)***

The bill would prohibit state agencies from allowing employees to access artificial intelligence (AI) platforms of concern on state-owned or state-issued electronic devices. Additionally, state agencies would be required to block user access to such platforms on state networks.

State agencies that currently utilize or operate an account with platforms of concern would be required to stop using such platform and deactivate and delete such accounts.

The bill would provide for an exception for state agencies accessing such platforms for law enforcement activities or cybersecurity investigations.

*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 <https://klrd.gov/>

Prohibition on Genetic Sequencers Produced by a Foreign Adversary (SB 234)

The bill would prohibit medical and research facilities in the state from utilizing genetic sequencers or operational or research software used for genetic analysis produced in or by:

- A foreign adversary;
- A state-owned enterprise of a foreign adversary;
- A company domiciled within a foreign adversary; or
- A company-owned or company-controlled subsidiary of a company domiciled within a foreign adversary.

The bill would require all genetic sequencers, operational and research software used for genetic sequencers, or genetic analysis devices that are not permanently disabled to be removed and replaced with equipment that is not prohibited under the bill.

The bill would provide for, subject to appropriations, a medical facility or research facility in Kansas to request reimbursement from the State Treasurer up to the cost of replacement for the equipment and software prohibited by the bill. The bill would require the request to include purchase orders and be submitted prior to October 1, 2025.

Severability

The bill would declare the provisions regarding genetic sequencers and operational or research software severable. If any of these provisions were declared unconstitutional or invalid, or the application of any portion these provisions to any person or circumstance were held unconstitutional or invalid, the invalidity would not affect other portions of this section that could be given effect without the invalid portion or application. The applicability of other portions of the

provisions regarding genetic sequencers and operational or research software would remain valid and enforceable.

Definitions

The bill would define the following terms:

- “Artificial intelligence platform of concern” would mean the AI model DeepSeek and any AI models owned or controlled by Hangzhou DeepSeek Artificial Intelligence Basic Technology Research Company or its subsidiaries or successors;
- “DNA” would mean deoxyribonucleic acid, ribonucleic acid, and chromosomes that may be analyzed to detect heritable diseases or conditions, including the identification of carriers, predicting risk of disease, or establishing a clinical diagnosis;
- “Country of concern” would mean the People’s Republic of China (including Hong Kong), Republic of Cuba, Islamic Republic of Iran, Democratic People’s Republic of Korea, Russian Federation, and Bolivarian Republic of Venezuela;
 - This definition would not include the Republic of China (Taiwan);
- “Foreign adversary” would mean the People’s Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolas Maduro, or the Syrian Arab Republic, including any agent of or any other entity under significant control of such foreign adversary, or any other entity deemed to be a foreign adversary by the Governor in consultation with the Adjutant General;

- “Genetic sequencer” would mean any device or platform used to conduct genetic analysis, resequencing, isolation, or other genetic research;
- “Human genome” would mean DNA or ribonucleic acid that is found in human cells;
- “Medical facility” would mean a facility for the delivery of health services that receives state moneys, including interagency pass-through appropriations from the federal government, and conducts research or testing on, with, or relating to genetic analysis or the human genome;
- “Operational or research software” would mean computer programs used for the operation, control, analysis, or other necessary functions of genetic analysis or genetic sequencers;
- “Research facility” would mean a facility that receives state moneys, including interagency pass-through appropriations from the federal government, and conducts research on, with, or relating to genetic analysis or the human genome; and
- “State agency” would mean any state office or officers, department, board, commission, institution, bureau, agency, division, or unit.

Background

The Senate Committee on Federal and State Affairs inserted the contents of SB 234 into HB 2313 while retaining the contents of HB 2313 and recommended a substitute bill be passed. Background information for both bills may be found below.

HB 2313

The bill was introduced by the House Committee on Financial Institutions and Pensions at the request of Representative Hoheisel.

House Committee on Legislative Modernization

In the House Committee hearing, representatives of State Armor provided **proponent** testimony, stating the DeepSeek AI model poses a risk to Kansans and to state data because of user data storage on servers located within countries of concern and the accessibility of such data.

Written-only **opponent** testimony was provided by a representative of NetChoice, who indicated the language prohibiting use of such AI application was broad and could unintentionally precluded the use of technology solutions.

No other testimony was provided.

House Committee of the Whole

The House Committee of the Whole amended the bill by removing language that would have prohibited the installation of applications that could allow access to an AI platform of concern.

[*Note:* During discussion on the amendment, it was noted that such language could have potentially prohibited the installation of web browsers due to their ability to access such platforms.]

Senate Committee on Federal and State Affairs

The Senate Committee did not hold a hearing on the bill.

SB 234

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Owens.

Senate Committee on Federal and State Affairs

In the Senate Committee hearing, **proponent** testimony was provided by representatives of State Armor Action, who stated that China is pursuing a dominant position in the biotechnology field for both military and commercial purposes, and utilizing their technology in this field would give them access to the genetic information inputted into these devices and software. The proponents discussed how this information could potentially be used to develop both pharmaceuticals and bioweapons.

No other testimony was provided.

Fiscal Information

HB 2313

According to the fiscal note prepared by the Division of the Budget on HB 2313, as introduced, the Office of Information Technology Services indicates enactment of the bill would have no fiscal effect, and it is not currently aware of any state agencies using the AI model described in the bill.

SB 234

According to the fiscal note prepared by the Division of the Budget on SB 234, as introduced, the Office of the Attorney General estimates litigation costs of at least \$500,000 from the State General Fund in FY 2026 and FY 2027 to defend the bill in court if it were enacted.

The Office of the State Treasurer indicates the bill does not specify procedures for medical and research facilities to request reimbursement payments or for the agency to make payments. However, any reimbursements would be subject to appropriations to the agency by the Legislature. The State Treasurer estimates the agency's only role would be to review requests and submit purchase orders to confirm the amount of reimbursement applicable to each request and that the agency would not have an auditing role or other oversight responsibilities. The agency states it would occur additional administrative work to receive reimbursement requests and to process payments, which could be performed by the agency's existing staff. The State Treasurer is unable to estimate the amount of reimbursement payments that would be requested, if the bill were enacted.

Kansas State University estimates \$375,000 for one-time costs to replace equipment that would be prohibited under the bill's provisions in FY 2026. The University indicates it would use federal funds for the initial replacement costs and estimates it would be reimbursed with moneys from the State General Fund.

Both the University of Kansas and the University of Kansas Medical Center indicate the bill's enactment would have a negligible fiscal effect on the operations of both institutions.

The Office of Judicial Administration, the State Board of Regents, the Kansas Department of Health and Environment, Wichita State University, and the Adjutant General indicate enactment of the bill would not have a fiscal effect on the operations of any of the respective agencies. Any fiscal effect associated with the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Artificial intelligence; AI; generative AI; country of concern; DeepSeek; genetic sequencers; genetic analysis; foreign adversaries; medical technology