

March 4, 2020

The Honorable Brenda Landwehr, Chairperson
House Committee on Health and Human Services
Statehouse, Room 352C-S
Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2664 by Representative Parker

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2664 is respectfully submitted to your committee.

HB 2664 would create the Rape Survivor Information Act. The bill would require the Kansas Department of Health and Environment (KDHE) to develop, produce, and distribute informational materials about emergency contraception and abortion services that are specifically designed for sexual assault survivors, presented in a factually accurate and unbiased manner. The Department would also be required to develop protocols that use the informational materials and describe how healthcare facilities, law enforcement authorities, and colleges and universities should provide this information to sexual assault survivors.

If a sexual assault was recent enough that emergency contraception may be effective, the Department's protocols for law enforcement authorities and colleges and universities would be required to include information provided to the sexual assault survivor about the safety, effectiveness, and availability of emergency contraception. In these situations the Department's protocols for healthcare facilities would include:

1. Providing the sexual assault survivor with objective and factually accurate written and oral information about the full range of medical options, including the safety, effectiveness, and availability of emergency contraception and the fact that emergency contraception does not cause abortion;
2. Orally informing the sexual assault survivor of the option to receive emergency contraception at the healthcare facility;
3. Promptly providing to the sexual assault survivor emergency contraception upon request; and

4. Ensuring that all personnel who provide care to sexual assault survivors are trained to provide medically and factually accurate and objective information about emergency contraception.

Healthcare facilities, law enforcement authorities, and colleges and universities would be required to follow the Department’s protocols for assisting sexual assault survivors, including the use of the Department’s informational materials. Healthcare facilities, law enforcement authorities, and colleges and universities would also be required to ensure that each person who takes reports from, or provides care to, sexual assault survivors has been trained to implement the Department’s protocols. HB 2664 would require the Department, the Attorney General and the State Board of Regents to adopt rules and regulations as necessary to implement and administer the Act.

Estimated State Fiscal Effect				
	FY 2020 SGF	FY 2020 All Funds	FY 2021 SGF	FY 2021 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$903,916	\$903,916
FTE Pos.	--	--	--	--

The Kansas Department of Health and Environment estimates HB 2664 would increase its annual expenditures by \$903,916 from the State General Fund beginning in FY 2021 and would increase at a rate of inflation of 2.5 percent annually. The estimate includes \$76,950 for salaries and wages for 1.00 Sexual Assault Services Consultant FTE position; \$1,500 for travel; \$80,940 for emergency contraception (1,349 sexual assaults reported in 2018 x \$60/emergency contraception = \$80,940); \$4,500 for supplies; \$250,000 for training with the Kansas Coalition Against Sexual and Domestic Violence; \$250,000 for a statewide marketing campaign; and \$240,026 for costs to develop, print and ship materials to 1,000 partners and develop and implement an online training course.

A consultant would work with state entities and local organizations delivering services to women and coordinate information, training, services, and compliance with nearly 1,000 law enforcement agencies, health care facilities and colleges and universities statewide. The consultant would also provide technical assistance to providers across the state, providing subject matter expertise and training and serving as a point of contact for the program contract partners and public awareness campaign. The Department indicates the time its program and legal staff would need to develop and disseminate protocol, information and materials would be extensive, but could be absorbed within existing resources.

The Department indicates HB 2664 would directly affect cities and counties from the requirements for health facilities, law enforcement, and colleges and universities. It is not clear what the fiscal effect would be as it would vary depending on the ownership and authority of funding for each local organization. The fiscal effect of personnel and training costs would vary

and depend on who at each organization would be required to ensure protocol, materials, and training were made available to each person who takes reports or provides care to sexual assault survivors. The costs to local government would be ongoing from changing guidance and standards related to response and staff turnover and the need to replenish materials. Both the Kansas League of Municipalities and the Kansas Association of Counties concur with this estimate.

The Kansas Board of Regents indicates any costs associated with HB 2664 to train staff on the protocols produced by the Kansas Department of Health and Environment would be absorbed within existing resources of each postsecondary educational institution. The Office of the Attorney General (OAG) indicates HB 2664 would likely result in litigation based on legal challenges which could require outside counsel depending on the workload of OAG civil litigation attorneys. The OAG indicates the cost would depend on which outside counsel is selected and the amount of time required to properly defend the litigation. The OAG indicates there could also be a monetary judgment against the state as well as an order to pay the prevailing party attorney fees. The OAG indicates it could incur the costs associated with adopting rules and regulations to administer the law within its existing resources. Any fiscal effect associated with HB 2664 is not reflected in *The FY 2021 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "L. L. Campbell", written in a cursive style.

Larry L. Campbell
Director of the Budget

cc: Dan Thimmesch, Health & Environment
Willie Prescott, Office of the Attorney General
Kelly Oliver, Board of Regents