

April 11, 2022

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 346-S
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2746 by House Committee on Federal and State Affairs

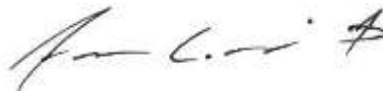
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2746 is respectfully submitted to your committee.

HB 2746 would prohibit all abortions, regardless of gestational age of the unborn child and would make the unlawful performance of an abortion, or the attempt, conspiracy, or criminal solicitation to commit an unlawful performance of an abortion and the unlawful destruction of a fertilized embryo severity level 1, person felonies. The bill would define “abortion” as the act of using or prescribing an instrument, drug, or medicine or any other substance, device, or means with the intent to cause the death of an unborn child. The term “unborn child” would be defined as a living human child from the moment of fertilization in utero through pregnancy until birth, including the developmental stages of human conceptus, zygote, morula, blastocyst, embryo and fetus. The bill would permit certain exceptions to the prohibition of abortion if the intent was to save the life or preserve the health of an unborn child; remove a dead, unborn child whose death was caused by spontaneous miscarriage or still birth; or to terminate an ectopic pregnancy that seriously threatens the life of the mother when a reasonable alternative to save the lives of both the mother and unborn child is not available. The bill would also update various statutes to be consistent with the definitions, penalties, and other provisions of the new sections in the bill.

The Office of Judicial Administration states enactment of HB 2746 could increase the number of cases filed in district court because it creates new crimes related to abortions. This could result in more time spent by court employees and judges processing and deciding these cases. The Office estimates enactment of the bill could result in the collection of docket fees and fines assessed in those cases filed under the bill’s provisions. According to the Office, a fiscal effect cannot be estimated.

The Kansas State Board of Healing Arts reports that enactment of the bill could lead to an increase of complaints and investigations for the Board. The Board was unable to estimate a fiscal effect but anticipates it could be handled within existing resources. The Kansas Department of Health and Environment and the Kansas Department of Revenue state that enactment of the bill would not have any fiscal effect on the operations of either agency. Any fiscal effect associated with HB 2746 is not reflected in *The FY 2023 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Dan Thimmesch, Health & Environment
Vicki Jacobsen, Judiciary
Lynn Robinson, Department of Revenue
Susan Gile, Board of Healing Arts