

January 29, 2024

The Honorable Brenda Landwehr, Chairperson
 House Committee on Health and Human Services
 300 SW 10th Avenue, Room 112-N
 Topeka, Kansas 66612

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2492 by Representative Murphy, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2492 is respectfully submitted to your committee.

HB 2492 would prohibit abortion and attempts of abortion in the State of Kansas except when necessary to preserve the life of a pregnant woman in a medical emergency. The bill would define “abortion” to mean the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman with an intention to cause the premature termination of the pregnancy knowing that such termination will with reasonable likelihood cause the death of the unborn child. The bill also includes details on what is not included in this definition, provides related definitions, and provides details on allowable medical emergencies. The bill would update related statutory references and definitions to conform with new definitions.

The bill would allow civil actions to be filed against individuals who violate the provisions of the bill and those who knowingly engage in conduct that aids or abets a violation. The bill would detail all requirements, damages, awards, and defenses related to any civil action filed.

Estimated State Fiscal Effect			
	FY 2024	FY 2025	FY 2026
Expenditures			
State General Fund	--	\$2,940,289	\$3,528,347
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Expenditures	--	--	--
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	(\$2,940,289)	(\$3,528,347)
Total Revenues	--	--	--
FTE Positions	--	(4.63)	(4.63)

The Kansas Department of Health and Environment indicates that passage of HB 2492 could potentially result in the loss of federal Title X funding totaling \$2.9 million in FY 2025 and \$3.5 million in FY 2026. This would also result in the reduction of 4.63 FTE positions that are funded with the federal revenue. Title X is a federal program under the U.S. Department of Health and Human Services that provides family planning and reproductive health services to individuals regardless of income. Family planning includes a broad range of services related to achieving pregnancy, preventing pregnancy, and assisting women, men, and couples with achieving their desired number and spacing of children in a client-centered trauma-informed clinic, generally housed in local health departments. The agency reports that for many clients, Title X clinics are their only ongoing source of health care and education. Currently, Title X serves about 13,000 clients across Kansas annually who seek services for contraceptive care, STD/STI screenings and treatment, cancer screenings, basic infertility services, and more.

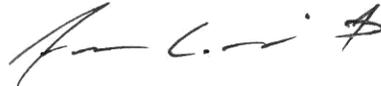
The agency notes that legislation similar to HB 2492 passed in Oklahoma and Texas and resulted in the removal of federal Title X funding in those states after it was determined that programmatic requirements of abortion counseling and referrals could not be made. Further impact would be non-renewal of the competing five-year grant and loss of access to 340B reduced prescription costs. If federal funding was terminated the agency would require state funding in the same amount of the previous federal funding to continue services. If the five-year grant was not renewed, the state funding would be needed in future years as well and would need to take into account the rising costs of pharmaceuticals, lab fees, and other services. County health departments and rural communities are currently required to maintain a 40.0 percent match to the federal dollars supplied by the Title X grant. Without these funds, they would be required to fully fund the same services offered in addition to the increase in pharmaceutical costs from losing 340B status. This would likely result in many counties being unable to continue to provide adequate services. The agency states that many rural areas are already experiencing shortages in health care providers and services and believes this would increase the burden onto neighboring cities and county resources to accommodate patients from farther distances.

The Kansas State Board of Healing Arts reports that the number of healthcare professionals providing abortion services remains generally low as a percentage of total licensees. The agency does not anticipate that passage of HB 2492 would generate a large number of complaints resulting in investigations. The agency indicates any resulting impact from passage of the bill should be able to be absorbed within existing resources.

The Office of Judicial Administration states enactment of HB 2492 could increase the number of cases filed in district courts because it allows for civil actions to be filed for any alleged violations. This could result in more time spent by court employees and judges processing, researching, and hearing 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, which would be deposited to the State General Fund. The bill would not affect other revenues to the Judicial Branch. According to the Office, a fiscal effect cannot be estimated.

The Department of Revenue reports the bill would replace references to definitions within KSA 65-3701 but would not have any fiscal effect on agency operations. The Office of the Kansas Attorney General states the office would not be investigating or prosecuting violators of the Act and does not anticipate any fiscal effect on the agency. Any fiscal effect associated with HB 2492 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,

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

Adam C. Proffitt
Director of the Budget

cc: Amy Penrod, Department of Health & Environment
Susan Gile, Board of Healing Arts
Trisha Morrow, Judiciary
William Hendrix, Office of the Attorney General
Lynn Robinson, Department of Revenue