

March 25, 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 2737 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2737 is respectfully submitted to your committee.

HB 2737 would create the Abolish Abortion Kansas Act. The bill would make certain declarations regarding human life and abortion. The bill would make abortions subject to criminal prosecution for violating KSA 21-5419, also known as Alexa's Law. Certain defenses and exceptions would be outlined in the bill. The bill would also remove the definition of "abortion" and add a definition for "fertilization" within Alexa's Law. The provisions of the bill would not be applicable to conduct committed prior to July 1, 2024.

The Kansas Department of Health and Environment indicates that passage of HB 2737 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 similar legislation enacted in Oklahoma and Texas 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. A further effect 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 funds supplied by the Title X grant. Without these funds, the agency 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 Office of Judicial Administration states enactment of HB 2737 could increase the number of cases filed in district courts because it makes all abortions subject to criminal prosecution of Alexa's Law. This could result in more time spent by judicial and nonjudicial personnel 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. However, a fiscal effect cannot be estimated. The Kansas Attorney General's Office states that HB 2737 could be challenged in court but because of the unpredictability of litigation costs, a fiscal effect could not be estimated. The Office does not believe there would be a fiscal effect on agency operations. While the bill could impact the Kansas Department of Corrections and the Kansas Sentencing Commission, the agencies were unable to estimate a total fiscal effect because the bill does not address penalties and there are too many unknown factors. Any fiscal effect associated with HB 2737 is not reflected in *The FY 2025 Governor's Budget Report*.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
William Hendrix, Office of the Attorney General
Amy Penrod, Department of Health & Environment
Scott Schultz, Kansas Sentencing Commission