

SESSION OF 2020

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 491**

As Amended by Senate Committee on Public  
Health and Welfare

**Brief\***

SB 491, as amended, would amend the definition of “infectious disease” to include diseases designated as infectious or contagious in nature by the Secretary of Health and Environment through rules and regulations. Under current law, the court has the authority to order infectious disease testing solely for human immunodeficiency virus (HIV) and hepatitis B when it appears the transmission of body fluids from one person to another may have been involved given the nature of the crime or arrest. The bill would delete language defining infectious disease to include only HIV and hepatitis B, as it pertains to infectious disease tests the court would be authorized to order. The bill would also make a technical amendment.

The bill would be in effect upon publication in the *Kansas Register*.

**Background**

The bill was introduced by the Senate Committee on Ways and Means at the request of Senator Suellentrop.

At the Senate Committee on Public Health and Welfare hearing on March 12, 2020, testimony from the February 13, 2020, hearing on SB 320 before the Senate Committee was referenced. No other testimony was provided. The two bills contain identical language.

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\*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 <http://www.kslegislature.org>

The Senate Committee amended the bill to change the effective date to publication in the *Kansas Register*.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, KDHE indicates enactment of the bill would have a negligible fiscal effect and could be absorbed within existing resources, as counseling and testing services would be reimbursed through restitution from an adjudicated person. The Department of Corrections indicates the bill would have no fiscal effect on the agency. Any fiscal impact associated with the bill is not reflected in *The FY 2021 Governor's Budget Report*.

### **SB 320**

SB 320 was introduced by the Senate Committee on Judiciary at the request of a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association.

In the Senate Committee on Public Health and Welfare hearing on February 13, 2020, a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association and representatives of the Kansas Department of Health and Environment (KDHE), Kansas Emergency Medical Services Association, Kansas State Council of Fire Fighters, and the League of Kansas Municipalities testified in support of the bill. Proponents stated generally that changing the language of the bill would create a "living document" that would improve officer safety by authorizing the court to order tests for all infectious diseases. The proponents also stated the bill would improve safety measures and provide law enforcement and first responders peace of mind by allowing for the efficient testing of all identified infectious diseases and, if necessary, rapid appropriate services and treatments.

Representatives of the Kansas State Firefighters Association, Inc., and Kansas State Lodge Fraternal Order of

Police provided written-only proponent testimony. No neutral or opponent testimony was provided.

The fiscal note prepared by the Division of the Budget for SB 320 provides information identical to that for SB 491.