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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 16, 2021
Subject: Bill Brief for SB 150

Senate Bill 150 defines and prohibits certain deceptive lawsuit advertising practices and restricts the use or disclosure of protected health information to solicit individuals for legal services.

Section 1 requires a person engaging in legal advertisement within this state to follow certain rules, including disclosing that the advertisement is for legal services and the sponsor of the advertisement and prohibiting the use of certain words and logos. “Legal advertisement” means a solicitation for legal services through television, radio, internet, including a domain name, newspaper or other periodical, outdoor display or any other written, electronic or recorded communication. A violation of Section 1 is an unlawful and deceptive trade practice as provided in the Kansas consumer protection act and is subject to the civil penalties provided in that act.

Section 2 provides that a person shall not use, cause to be used, obtain, sell, transfer or disclose to another person without written authorization protected health information for the purpose of soliciting an individual for legal services. “Protected health information” means the same as in the HIPAA privacy rule, the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191) contained in 45 C.F.R. part 160 and 45 C.F.R. part 164, subparts A and E. A violation of Section 2 is an unlawful and deceptive trade practice as provided in the Kansas consumer protection act and is subject to the civil penalties provided in that act. In addition, a knowing violation of this section is a class A nonperson misdemeanor.