

February 24, 2021

The Honorable Brenda Landwehr, Chairperson  
House Committee on Health and Human Services  
Statehouse, Room 352C-S  
Topeka, Kansas 66612

Dear Representative Landwehr:

**SUBJECT:** Fiscal Note for HB 2255 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2255 is respectfully submitted to your committee.

HB 2255 would establish the Sexual Assault Survivor Information Act. The Kansas Department of Health and Environment (KDHE) would be required to develop, produce and distribute informational materials about emergency contraception and abortion services that are specifically designed for sexual assault survivors. The bill would require KDHE to develop protocols that use the informational materials and describe how healthcare facilities, law enforcement authorities and colleges and universities should provide the information to sexual assault survivors. KDHE, the Office of the Attorney General and the Board of Regents would be required to adopt the rules and regulations necessary to implement the Act.

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$923,996	\$923,996
FTE Pos.	--	--	--	1.00

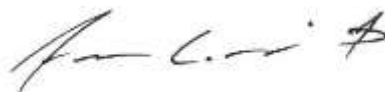
KDHE estimates the bill would require additional expenditures of \$923,996 from the State General Fund in FY 2022. This amount includes \$76,950 for the salary and wages of 1.00 Sexual Assault Services Consultant FTE position; \$1,500 for travel associated with site visits to healthcare

facilities, colleges and universities and law enforcement agencies; \$76,020 for supplies, which includes \$71,520 for emergency contraception; \$500,000 for contracting costs; and \$269,526 for printed materials and training. The amount for contracting costs includes \$250,000 to contract with the Kansas Coalition Against Sexual and Domestic Violence to provide training to all law enforcement, universities and colleges and healthcare facilities. The amount for contracting costs also includes \$250,000 to contract with a marketing firm to create a statewide awareness campaign. The amount for printed materials and training includes \$230,000 to print and mail outreach packets. KDHE indicates that it would be necessary to coordinate information, training, services, and compliance, with approximately 1,000 law enforcement agencies, colleges and universities and healthcare facilities statewide.

The Board of Regents indicates the bill would require state colleges and universities to train staff on the protocols developed by KDHE, and the training costs would be negligible and absorbed within existing resources of postsecondary educational institutions.

The Office of the Attorney General is unable to estimate the fiscal effect from HB 2255, but the Office indicates it could be substantial and span multiple future fiscal years. According to the Office, the bill would likely be challenged in court because the definitions of “healthcare facility” and “colleges and universities” would apply to non-public institutions. The state would need to hire specialized outside counsel, which could cost several hundred thousand dollars over the life of the lawsuit. The Office indicates an appellate decision could take two to four years. If the case ended up at the U.S. Supreme Court, the case would take another one to two years. If the challenge against the state is successful, the state could be ordered to pay plaintiff’s attorney fees and costs. Any fiscal effect associated with HB 2255 is not reflected in *The FY 2022 Governor’s Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Dan Thimmesch, Health & Environment  
Kelly Oliver, Board of Regents  
Willie Prescott, Office of the Attorney General