

February 27, 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 2791 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2791 is respectfully submitted to your committee.

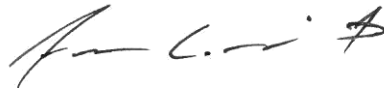
HB 2791 would enact the Forbidding Abusive Child Transitions Act and would prohibit healthcare professionals from providing specified treatments for a child whose gender identity was inconsistent with the child's sex, including certain surgical procedures, puberty blockers, and other medications. The bill would make related definitions and outline exceptions to prohibitions. Healthcare professionals would be required to obtain informed consent from a child's parent or guardian as detailed in the bill before discussing with a child the possibility of social transitioning, medication, or surgery as a treatment for a child whose perceived gender or sex is inconsistent with such child's sex. The bill would also include additional prohibitions for the use of state funds and actions by state agencies or employees related to various treatments of children's perception of gender or sex. The bill would allow a civil cause of action against healthcare professionals in violation of the provisions of the Act and would also prevent professional liability insurance from covering related damages.

According to the Office of Judicial Administration, enactment of HB 2791 could increase the number of cases filed in district courts because it allows for civil suit to be filed. 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 into 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 enactment of the bill would not result in a fiscal effect for the agency. The agency notes that the Act could be challenged in court, but a related fiscal effect cannot be estimated.

The Kansas State Board of Healing Arts reports enactment of the bill could increase actionable complaints, but a total fiscal effect cannot be estimated. The agency notes the bill allows for legal actions to be taken for 30 years after the date the child turns 18, which could result in long-term implications. The Kansas State Board of Nursing indicates enactment of HB 2791 would require a revision to regulations and communication to licensees, which could be handled within existing resources. The agency was unable to determine whether enactment of the bill would result in an increase in complaints or investigations. The Kansas Department for Health and Environment states that enactment of the bill would not result in a fiscal effect on agency operations. Any fiscal effect associated with HB 2791 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: Susan Gile, Board of Healing Arts
Amy Penrod, Department of Health & Environment
Trisha Morrow, Judiciary
William Hendrix, Office of the Attorney General
Jill Simons, Board of Nursing