

March 5, 2013

The Honorable Arlen Siegfried, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 185-N
Topeka, Kansas 66612

Dear Representative Siegfried:

SUBJECT: Fiscal Note for HB 2324 by Representative DeGraaf, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2324 is respectfully submitted to your committee.

HB 2324 would place prohibitions and requirements on persons who intend to perform or induce an abortion on a pregnant woman where there is a detectable fetal heartbeat. The bill would include definitions; requirements for recordkeeping, reporting, patient notification, and fetal heartbeat determination. The bill would provide an exception to the requirements in the case of a medical emergency. Violation of requirements contained in the bill would constitute a severity level 8, person felony, and would subject physicians to disciplinary action. The bill would also provide for civil actions for violations of requirements contained in the bill that would result in the wrongful death of an unborn child.

There are considerable reporting requirements on those events where the procedures are performed including the fact that the woman was notified that a detectable heartbeat exists, acknowledgement by the woman that she is aware that the fetus she is carrying has a detectable heartbeat and other medical documentation if the procedure is needed for a medical emergency.

The Kansas Department of Health and Environment (KDHE) would be required to establish rules and regulations regarding:

1. Procedures to detect fetal heartbeats in the instance of a possible abortion procedure;
2. The statistical probability of bringing an unborn child to term; and,
3. Record keeping requirements for medical facilities.

The Board of Healing Arts indicates that complaints regarding practitioners not complying with the requirements of HB 2324 could increase the number of investigations performed by the Board staff, which could lead to an increase in the number of disciplinary

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cases. Should there be an increase in the number of investigations and disciplinary cases performed by the Board staff, related operational expenses such as travel expenses, records duplication costs, court reporter and transcription fees, and expert witness fees would also increase. The Board is unable to predict a precise fiscal effect at this time. If investigations and caseloads do not increase substantially, the bill could be implemented within current approved staffing and operating expenditure levels.

The Office of Judicial Administration indicates that passage of HB 2324 could increase the number of district court cases and appeals filed regarding either civil or criminal actions authorized by the bill, which could, in turn, increase the time spent by district court and appellate court judicial and nonjudicial personnel in processing, researching, and hearing cases. It is not possible to estimate a precise fiscal effect of what those costs would be at this time.

The KDHE estimates that the passage of HB 2324 would require a one-time State General Fund expenditure of \$100,000 in FY 2014. The estimate would include legal services needed to write the regulations for \$50,000, as well as physician consultation for \$50,000 regarding accepted medical practice. The bill would not require changes to the Vital Statistics database.

The Division of Budget believes that existing legal and medical staff could fulfill the obligation of writing regulations required by the bill as part of their normal responsibilities. The bill, therefore, should have no net fiscal effect on KDHE.

Any fiscal effect associated with HB 2324 is not reflected in *The FY 2014 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson".

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Aaron Dunkel, KDHE
Cathy Brown, Healing Arts
Mary Rinehart, Judiciary
Jeremy Barclay, KDOC