

February 16, 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 2202 by Representative Gartner

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2202 is respectfully submitted to your committee.

HB 2202 would permit a capable Kansas adult resident who is 18 years of age or older to make a written request to a licensed physician for a prescription that would be used to end the adult's life. The bill would be known as the Kansas Death with Dignity Act. The bill would require there to be a diagnosis of a terminal disease that will result in the patient's death within six months. The bill would specify qualifications for the patient, the manner in which the request must be made and witnessed, the steps the physician must take, recordkeeping requirements, remedies for violations of the law, and limitations on criminal, civil and administrative liability. The bill specifically requires the physician to contact and inform the pharmacist of the prescription. If the pharmacist chooses to participate, the prescription must be dispensed directly to the patient or an agent of the patient. Upon dispensing the medication, a copy of the dispensing record must be forwarded to the Kansas Department for Aging and Disability Services.

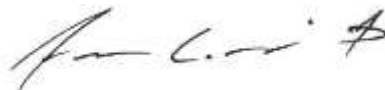
Pharmacists would not have a legal duty to participate in the dispensing of end of life medications and could not be compelled to do so. If a business has a policy that prohibits its employees from participating in end of life dispensing, it would be authorized to sanction the employee for violation of the policy. Any pharmacist participating in dispensing end of life medications could not be criminally, civilly or administratively sanctioned as long as they follow the mandates of the bill.

The Office of the Attorney General, the Board of Healing Arts, the Board of Pharmacy, and the Kansas Department for Aging and Disability Services, each have indicated that enactment of the bill would have no fiscal effect on agency operations.

The Sentencing Commission indicates that enactment of the bill would have an effect on prison admissions and beds due to the severity levels that would be assigned to the crimes listed in the bill. The agency is not able to determine at this time what the effect would be.

The Office of Judicial Administration indicates that the bill could increase the number of cases filed in district courts because it creates new crimes. This, in turn, would increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Office is unable to estimate the fiscal effect because the number of cases that would be filed is unknown. Any fiscal effect associated with HB 2202 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Connie Hubbell, Aging & Disability Services  
Susan Gile, Board of Healing Arts  
Debbie Thomas, Judiciary  
Scott Schultz, Sentencing Commission  
Alexandra Blasi, Board of Pharmacy  
Willie Prescott, Office of the Attorney General