

January 29, 2019

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

Dear Representative Landwehr:

SUBJECT: Fiscal Note for HB 2089 by Representative Gartner

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2089 is respectfully submitted to your committee.

HB 2089 would permit a capable Kansas resident who has reached the age of 18 to make a written request to a licensed physician for a prescription that would be used to end their 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 can 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 State Board of Pharmacy, the Kansas Department for Aging and Disability Services, and the Kansas Department of Health and Environment 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 could 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. Any fiscal effect associated with HB 2089 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large initial "L" and a long horizontal stroke extending to the left.

Larry L. Campbell
Director of the Budget

cc: Dan Thimmesch, Health & Environment
Scott Schultz, Sentencing Commission
Cody Gwaltney, Aging & Disability Services