

March 1, 2022

The Honorable Richard Hilderbrand, Chairperson
Senate Committee on Public Health and Welfare
Statehouse, Room 142-S
Topeka, Kansas 66612

Dear Senator Hilderbrand:

SUBJECT: Fiscal Note for SB 436 by Senate Committee on Public Health and Welfare

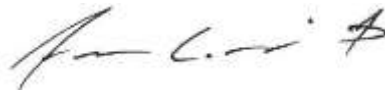
In accordance with KSA 75-3715a, the following fiscal note concerning SB 436 is respectfully submitted to your committee.

SB 436 would prohibit medical care facilities and adult home care facilities from taking actions to prevent patients from receiving in-person visitation from their healthcare durable power of attorney and their spouse, or next of kin if there is no spouse or person designated by the patient if there is no spouse or next of kin. The bill would also prohibit the Governor, governmental entities, and public officials from ordering or otherwise imposing on any United States citizen any isolation, quarantine, curfew, requirement to stay home, or requirement to wear a face mask based on an epidemic or other public health reason. Governmental entities or public officials would be able to make recommendations on the above items. Current law would be amended to reflect the change from “order” to “recommendation” for the above items in several provisions related to public health. It would be unlawful for individuals to disregard a recommendation of isolation or quarantine when it was communicated as required and great bodily harm or death to another person resulted from the disregard. SB 436 would take effect upon publication in the *Kansas Register*.

The Kansas Department of Health and Environment states enactment of SB 436 could have long term fiscal effects by increasing cases and costs related to outbreaks of infectious and contagious diseases if the agency was prohibited from implementing interventions to control the spread of such diseases. The total fiscal effect could not be estimated. The Kansas Department for Aging and Disability Services states enactment of the bill could potentially have long term fiscal effects on the agency for nursing facilities that participate as Medicare or Medicaid providers if provisions of the bill conflicted with federal regulations. This could put federal funding and provider agreements at risk.

The Office of the Attorney General and the Office of Judicial Administration state enactment of the bill would not have any fiscal effect on the operations of either agency. Any fiscal effect associated with SB 436 is not reflected in *The FY 2023 Governor's Budget Report*. The Kansas Association of Counties and the League of Kansas Municipalities report enactment of the bill would not have any fiscal effect on local governments.

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: Dan Thimmesh, Health & Environment
Leigh Keck, Aging & Disability Services
Vicki Jacobsen, Judiciary
Jay Hall, Association of Counties
Wendi Stark, League of Municipalities
Willie Prescott, Office of the Attorney General