

HOUSE BILL No. 2300

By Representative Patton

1-31

9 AN ACT concerning civil procedure; establishing a cause of action for
10 intentional infliction of emotional distress in certain circumstances.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) The tort of outrage includes the following elements:

14 (1) The conduct of the defendant was intentional or in reckless dis-
15 regard of the plaintiff;

16 (2) the conduct was extreme and outrageous;

17 (3) the conduct caused severe emotional distress to the plaintiff;

18 (4) the plaintiff's mental distress was severe;

19 (5) the defendant's conduct must be so outrageous in character and
20 so extreme in degree as to go beyond the bounds of decency and to be
21 regarded as atrocious and utterly intolerable in a civilized society. This
22 includes, but is not limited to, the picketing of a funeral; and

23 (6) the emotional distress suffered by the plaintiff must be of such
24 extreme degree and was so severe that no reasonable person should be
25 expected to endure it.

26 (b) One who by extreme and outrageous conduct intentionally or
27 recklessly causes severe emotional distress to another is subject to liability
28 for such emotional distress, and if bodily harm to the other results from
29 it, for such bodily harm.

30 (c) The term "funeral" means any ceremony or memorial service held
31 in connection with the burial or cremation of a deceased person.

32 (d) Heirs at law who actually attended the funeral have standing to
33 bring an action, in a court of law, for redress for severe emotional distress
34 and any other actual damages sustained provided all other elements of
35 the tort are proven.

36 Sec. 2. This act shall take effect and be in force from and after its
37 publication in the statute book.