

March 1, 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 2258 by House Committee on Health and Human Services

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2258 is respectfully submitted to your committee.

HB 2258 would require pharmacies (not pharmacists) to stock and provide contraception and emergency contraception to any patient. The pharmacy would be required to ensure its employees do not harass, interfere with, deceive, or illegally refuse to provide contraception and emergency contraception. The pharmacy would be required to ensure that patient privacy is protected. If the contraceptive is not in stock, the pharmacy would be required to transfer the patient to the nearest pharmacy or provide expedited ordering at the patient's request. The pharmacy would be allowed to refuse to provide contraception and emergency contraception if the patient does not have a valid prescription for a prescription-only drug or device, the patient cannot pay for the contraceptive, or based on a licensed pharmacist's clinical judgment. The bill would require the Board of Pharmacy to adopt rules and regulations to implement and administer this section although it does not appear to make this part of the Pharmacy Act of the State of Kansas.

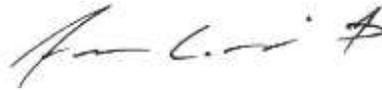
Any aggrieved person could bring a civil action against a pharmacy to obtain appropriate and equitable relief, including actual and punitive damages and injunctive relief. The court could also award reasonable costs and fees.

The Board of Pharmacy indicates that a one-time or temporary increase in agency expenditures would result from the mandatory adoption and/or revision of regulations. The staff time involved in drafting and promulgating regulations through the administrative review process would require additional agency resources that are not currently budgeted. In addition, Board meetings for review and public hearings would contribute to costs, as well as publication of

necessary administrative regulations. Agency forms and published information would require updates. The Board would incur costs associated with publication of regulations, notices of hearings, and adoption in the *Kansas Register*, costs range from \$500 to \$1,500 per publication, depending on the length of the regulation(s). However, the agency is unable to estimate the additional expenditures. The Board does anticipate an increase in complaints or investigations based on pharmacy, pharmacist, and “employee” requirements in the bill.

The Office of Judicial Administration states that HB 2258 could result in the filing of additional civil actions which would require more time spent by judges and court staff in hearing and processing cases. The additional cases would also increase the amount of revenue received from docket fees and fines. 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 2258 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: Alexandra Blasi, Board of Pharmacy
Debbie Thomas, Judiciary