

SENATE BILL No. 308

By Committee on Federal and State Affairs

3-25

1 AN ACT concerning health and healthcare; creating the healthcare
2 individual rights affirmation act; mandating access to public places for
3 individuals without facial coverings or vaccinations; requiring
4 physicians to prescribe certain medications for off-label uses if
5 requested by patients.
6

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

8 Section 1. (a) This act shall be known and may be cited as the
9 healthcare individual rights affirmation act (HIRAA).

10 (b) An individual shall not be denied access to a place accessible to
11 the general public because of such person's decision to wear or not wear a
12 face covering.

13 (c) Notwithstanding any other provision of law, an individual shall
14 not be denied housing or refused access to a place accessible to the general
15 public, or in any way separated from others in a place accessible to the
16 general public, because of such person's decision to receive or not receive
17 a vaccination.

18 (d) A physician shall prescribe a drug that has been approved by the
19 federal food and drug agency for an off-label use of such prescription
20 drug to a patient if such physician:

21 (1) Has conducted an in-person examination of such patient and a
22 consultation with such patient or such patient's legal representative; and

23 (2) receives a written request from such patient, or such patient's legal
24 representative.

25 (e) The provisions of subsection (d) shall not apply to "controlled
26 substances" as defined in K.S.A. 65-5701, and amendments thereto.

27 (f) (1) Notwithstanding any other provision of law, a physician is
28 immune from civil liability for damages, administrative fines or penalties
29 for acts, omissions, healthcare decisions or the rendering of or the failure
30 to render healthcare services if such physician is acting pursuant to
31 subsection (d).

32 (2) Actions taken by a physician pursuant to subsection (d) shall not
33 be considered unprofessional conduct as defined in K.S.A. 65-2837, and
34 amendments thereto.

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