



TO: House Federal and State Affairs Committee

FROM: Deborah Stern
Vice President, Clinical Services/General Counsel

DATE: January 26, 2012

RE: House Bill 2353

The Kansas Hospital Association appreciates the opportunity to comment regarding the provisions of House Bill 2353, which amends the Personal and Family Protection Act.

Legislation was passed during the 2006 session that enacted the Personal and Family Protection Act and authorizes the Kansas Attorney General the ability to issue four-year licenses to certain persons to carry concealed handguns. The legislation included several locations where authorized licensees would be restricted from carrying a concealed weapon. Notably absent from the list of restricted locations are community hospitals and other health care provider locations. As a result, many, if not all, Kansas community hospitals have elected to post signage that prohibit the carrying of a concealed weapon.

House Bill 2353 places an added burden on many of the governmental hospitals in Kansas. Under the proposed amendments, no "municipality" would be able to prohibit the carrying of a concealed weapon unless such entity has employed "adequate security measures" to ensure that no weapons are permitted to be carried into such facility. This provision would force county, district, and city hospitals, which fall under the definition of "municipality", to consider implementing such security measures. Not only could House Bill 2353 result in increased expenses and potential liability to our governmental hospitals, but it could interfere with our ability to provide care in a timely manner.

One issue that could arise with the passage of House Bill 2353 involves how individuals who present to our medical facilities for treatment are handled when they are carrying a concealed weapon. What legal authority would the medical facility personnel have to require the removal of a weapon

from a permit holder prior to treatment? Further, under the federal Emergency Medical Treatment and Active Labor Act (EMTALA), a hospital is required to perform a medical screening examination to determine whether a patient has any potentially harmful emergency medical condition. It would be difficult, if not impossible to perform such an examination if a permit holder refused to relinquish their weapon. Under federal law, the medical facility would be penalized for not completing this medical screening examination. The legal obligations placed on medical facilities are numerous. It is important that these issues are addressed prior to any action being taken on House Bill 2353.

We would respectfully request that before House Bill 2353 is acted upon that an amendment be adopted to exclude county, district and city hospitals from the provisions in new section 1, or at the very least add an amendment stating that any person seeking a medical evaluation or treatment at a medical facility would be prohibited from carrying a concealed weapon.

Thank you for your consideration of our comments.

1 within any of the buildings described in subsection (a) or (b), subject to
2 any restrictions or prohibitions imposed in any courtroom by the chief
3 judge of the judicial district. The provisions of this paragraph shall not
4 apply to any person who is not in compliance with K.S.A. 2010 Supp. 75-
5 7c19, and amendments thereto.

6 (d) For the purposes of this section, "building" shall not include any
7 structure, or any area of any structure, designated for the parking of
8 motor vehicles.

9 (e) Nothing in this act shall be construed to authorize the carrying or
10 possession of a handgun where prohibited by federal law.

11 (f) The attorney general shall adopt rules and regulations prescribing
12 the location, content, size and other characteristics of signs to be posted
13 on premises where carrying a concealed handgun is prohibited pursuant
14 to subsections (a) and (b). Such regulations shall prescribe, at a
15 minimum, that:

16 (1) The signs be posted at all exterior entrances to the prohibited
17 buildings;

18 (2) they be posted at eye level of adults using the entrance and not
19 more than 12 inches to the right or left of such entrance;

20 (3) the signs not be obstructed or altered in any way; and

21 (4) signs which become illegible for any reason be immediately
22 replaced.

23 Sec. 3. Section 194 of chapter 136 of the 2010 Session Laws of
24 Kansas, is hereby amended to read as follows: Sec. 194. (a) It shall be
25 unlawful to possess, with no requirement of a culpable
26 mental state, a firearm on the grounds of or in:

27 (1) Any building located within the capitol complex;

28 (2) the governor's residence;

29 (3) any building on the grounds of the governor's residence;

30 (4) any other state-owned or leased building if the secretary of
31 administration has so designated by rules and regulations and
32 conspicuously placed signs clearly stating that firearms are prohibited
33 within such building; or

34 (5) any county courthouse, unless, by county resolution, the board of
35 county commissioners authorize the possession of a firearm within such
36 courthouse.

37 (b) Violation of this section is a class A misdemeanor.

38 (c) This section shall not apply to:

39 (1) A commissioned law enforcement officer;

40 (2) a full-time salaried law enforcement officer of another state or
41 the federal government who is carrying out official duties while in this
42 state;

43 (3) any person summoned by any such officer to assist in making

(6) "any medical care facility, as defined in K.S.A. 65-425, when seeking a medical evaluation or treatment"