



*End discrimination based on  
sexual orientation and  
gender identity*

Equality Kansas Legislative and State Policy Agenda  
2019/2020 Legislative Session  
Draft as of 12-4-2018

*Proactive Policy*

- Add “sexual orientation and gender identity” to the Kansas Act Against Discrimination.
  - Current Statute: K.S.A. 12-16,107, 44-1001, 44-1004, 44-1009, 44-1015, 44-1016, 44-1017, 44-1027 and 44-1030 and K.S.A. 2016 Supp. 44-1002, 44-1005 and 44-1006
  - Previous bill: HB 2123 (2017)
- Add “gender identity” to the bias crime statute, and repair the enforceability issues.
  - Current statute: K.S.A. 2016 Supp. 21-6804 and 21-6815
  - Previous bill (opposed by EQKS): SB 128 (2017)
- Require school districts to fully publish bullying prevention policies, procedures, and materials.
  - Current statute: K.S.A. 2017 Supp. 72-6147
  - Previous bills: HB 2578 and HB 2758 (2018)
- Require school districts to take tough, pro-active measures to prevent school bullying.
  - Current statute: K.S.A. 2017 Supp. 72-6147
  - Previous bill: None introduced; attempted through floor amendment opposed by EQKS
- Require KDHE/Office of Vital Statistics to return to the practice of amending birth certificates of transgender Kansans.
  - Current statute: K.S.A. 65-2422c
  - Current regulation: K.A.R. 28-17-20
- Require KanCare contractors to provide appropriate and necessary health care to transgender Kansans.
- Require insurance companies to provide coverage for appropriate and necessary health care to transgender Kansans.
- Ban the public, involuntary disclosure of any minor’s actual or presumed sexual orientation or gender identity by any adult other than the child’s parents (i.e. school officials, law enforcement, etc).
- Ban sexual orientation/gender identity “conversion therapy” for minors.
  - Previous bill: SB 172 (2017)

---

## *Repeal of Discriminatory Legislation*

- Repeal 2018's adoption discrimination act.
  - Current statute: K.S.A. 60-5322
- Repeal 2016's SB175, which allows taxpayer-funded campus organizations to remove and deny membership based on religious differences.
  - Current statute: 2016 Supp. 60-5311 – 60-5313
  - Previous bill: SB 139 (2017)
- Repeal the unconstitutional state constitution ban on recognition of same-sex marriage.
  - Current constitutional provision: Section 16 of Article 15
  - Previous bill: HCR 5006 (2017)
- Repeal the unconstitutional statutory ban on recognition of same-sex marriage.
  - Current statute: K.S.A. 2016 Supp. 23-2501, 23-2504 and 23-2508
  - Previous bill: HB 2172 (2017)
- Repeal the unconstitutional statutory ban on same-sex relationships.
  - Current statute: K.S.A. 2016 Supp. 21-5504
  - Previous bill: HB 2216 (2017)
- Fix the unconstitutional statute imposing higher sentences for unlawful same-sex acts than for similar unlawful opposite-sex acts ("Romeo and Juliet" law).
  - Current statute: K.S.A. 2016 Supp. 21-5507
  - Previous bill: HB 2215 (2017)

## *Likely Defensive Areas*

- More religious exclusion bills
- "Bathroom" bills
- Diversion of tax dollars to private and religious schools that engage in discrimination