Senate Committee On Judiciary
Senator Kellie Warren, Chair
Kansas State Capitol - 300 SW 10th St. - Topeka, Kansas 6661

Written Testimony of

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Before the Kansas Senate Committee on Judiciary

In Support of SB 462

Tuesday, February 10, 2026

Chair Warren and members of the Committee, I submit this written testimony as to Senate Bill 462, which is before the Committee today.

By way of background, I am a consumer advocate who has spent a decade fighting to hold corporate wrongdoers accountable under state and federal consumer protection statutes while working to preserve and protect consumer choice, which has become especially important in the face of a growing effort by activists and public officials to use litigation and regulation to control what consumers can buy and companies can sell to meet the needs of American families.

I founded Alliance For Consumers after leaving the Arizona Attorney General's Office, which I joined in 2016 as a Senior Litigation Counsel within Consumer Protection and where I worked on consumer cases in state and federal court against companies small and large, even as I took on responsibility for the Office's practice before the Supreme Court of the United States as Arizona Solicitor General.

As a consumer advocate, I spend my time encouraging more aggressive attorney general consumer protection efforts, prioritization of consumer restitution in both public and private consumer protection matters (putting more money into the pockets of more consumers), and against limiting choices for consumers through the use of government rules and regulations, especially efforts to ban products like common cars, dishwashers, freezers, and stoves from store shelves (a topic that rose to national prominence during the Biden Administration).

To live a full life, American consumers need to be able to have stores open that can provide goods that fit the needs of their families, and they need to be able to get to the stores, shop, and get back home safely without worrying about being robbed or having their goods taken.

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The Importance of Passing Senate Bill 462

We are in the midst of an unprecedented campaign of lawfare by left-wing activists in courts across this country. From the wave of lawsuits against the President and his Administration in Washington, to the ongoing campaign by trial lawyers and left-wing activists to use state court lawsuits as a vehicle to push their ideology onto state and local governments, the private sector, and consumers, courtrooms across America have become a primary canvas for the Left's ongoing campaign to reshape American society.

This campaign needs to be taken seriously because it is only growing in importance to the Left and their ideological goals, as it empowers activists and their aligned law firms to weaponize the courts, feed their political machines, and achieve policy changes that could not survive the legislative process.

Unless legislatures respond now, at the early stages of this campaign, the Left will continue to find ways to circumvent legislative bodies, like this one, and impose their political will through courtrooms, chipping away at the way of life chosen by countless consumers and voters.

Senate Bill 462, which is before the Committee today, takes important steps to counteract the Left's Lawfare strategies by putting important limitations on public nuisance claims, which, without proper restriction, are a prime vehicle for left-wing activists to punish disfavored industries and reshape American society.[1]

Public nuisance claims can serve important purposes and help solve real local problems, as I have seen in my own hometown of Phoenix, Arizona.

But more often these days, public nuisance claims are a prime way that activists target licensed, regulated, lawful products like cars, soda bottles, firearms, or oil & gas, seeking to accomplish their ideological policy goals through the courtroom with respect to these products that are disfavored on the Left and in coastal enclaves when they have otherwise failed in the halls of Congress or the hallways of this and other state legislative bodies.

Senate Bill 462 is a package of practical reforms that retains public nuisance claims for both local and state government while appropriately limiting the ability for activists to weaponize public nuisance claims and improperly reshape American society through the courtroom.

[1] *See, e.g.*, www.publicnuisancerevealed.org.

Senate Bill 462 confirms that lawful products, government-approved activities, and private disputes cannot be treated as the basis for valid public nuisance claims. It also confirms that, to prove a claim, plaintiffs bringing a public nuisance claim must show that the defendant they are pursuing directly caused the alleged harm under established standards of causation. The law makes clear that a case must demonstrate the nuisance would not exist without the defendant's conduct and that the harm was a reasonably direct and foreseeable result of that conduct.

The bill also clarifies who may bring such claims, ensuring that the Attorney General is empowered and that local governments are still able to address nuisances that fall entirely within their own jurisdictions.

These reforms, as well as the other detailed reforms as to remedy and limitations periods and the like, provide clear standards, limit speculative and ideological claims, strengthen fairness, and protect both consumers and the power of the democratic process in Kansas.

Conclusion

Ideological lawfare threatens democracy, the separation of powers, and the everyday Kansas consumer and their family. Activists increasingly use litigation to push sweeping policy changes that have not been approved by voters. Each lawsuit fuels the next, creating a cycle of policymaking through the courts rather than through democratic debate. And along the way consumers have fewer choices on store shelves and less say in their daily lives.

Senate Bill 462 offers a principled and practical solution. By enacting Senate Bill 462, Kansas can make clear that public policy is decided by laws, not lawsuits. The measures in Senate Bill 462 that reform public nuisance claims in the state are measures that protect fairness, strengthen consumer confidence, and prevent the misuse of Kansas courts for political ends. They keep policymaking in the hands of elected representatives and protect Kansans from politicized litigation.

Thank you for your time and consideration. I welcome your questions and would be pleased to discuss these issues further during or after today's hearing.

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