

New Late-Term Abortion Restrictions

HB 2218 enacts new restrictions on certain late-term abortions. The bill adds a new section that lists the Legislature’s findings on the capacity of an unborn child to feel pain.

The bill defines a “pain-capable child” as an unborn child that has reached the gestational age of 22 weeks or more, and sets restrictions and requirements for physicians performing abortions in cases involving a pain-capable unborn child. Except under statutorily defined circumstances permitted for certain abortions, the bill establishes criminal severity levels for violations under the bill’s provisions that do not conform to the new requirements.

The bill also establishes the circumstances and procedures to be followed for exceptions that would allow abortions where a pain-capable child is present, including cases where specific medical conditions would lead the physician to believe the death of a pregnant woman might result, or there might be a substantial and irreversible physical impairment of a major bodily function of the pregnant woman.

The Secretary of Health and Environment is required to adopt rules and regulations to collect details about referrals, record keeping, and reporting requirements for physicians performing such abortions. Medical care facilities are required to keep specific records about procedures associated with such cases involving pain-capable unborn children and to submit such data to the Kansas Department of Health and Environment.

The bill concludes, “Nothing in this act shall be construed to repeal any statute dealing with abortion, but shall be considered supplemental to such other statutes.”