

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2523**

As Amended by House Committee on Judiciary

**Brief\***

HB 2523, as amended, would add to current law that no person shall be required to make a referral for medical procedures or the prescription or administration of any device or drug that results in the termination of a pregnancy or an effect of which the person reasonably believes may result in the termination of a pregnancy. Additionally, no person would be required to perform or participate in the prescription or administration of any device or drug that results in the termination of a pregnancy or an effect of which the person reasonably believes may result in the termination of a pregnancy. Current law already states no person shall be required to perform or participate in medical procedures that result in the termination of a pregnancy. Further, the refusal to do so would not be the basis for civil liability to any person, and no medical care facility, medical care facility administrator, or governing body of a medical care facility would be able to terminate the person's employment, prevent or impair the person's practice or occupation, or impose any other sanction on the person because of the person's exercise of these rights.

Similarly, the bill would add language stating no medical care facility, medical care facility administrator, or governing board of any medical care facility would be required to permit the performance, referral for, or participation in medical procedures, or in the prescription or administration of any device or drug that would result in the termination of a human pregnancy or an effect of which the person reasonably believes may result in the termination of a human pregnancy.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The refusal to do so would not constitute grounds for civil liability to any person.

The bill also would provide no person would be required to make referrals for medical procedures that result in sterilization and no medical care facility, medical care facility administrator, or governing board of any medical care facility would be required to permit the performance or referral for or participation in medical procedures that result in sterilization. Refusal to do so would not be a basis for civil liability to any person.

### **Background**

In the House Committee on Judiciary, representatives of Kansans for Life, Kansas Catholic Conference, Concerned Women for America of Kansas, and local medical professionals offered testimony in support of the bill. Representatives of Trust Women PAC, Planned Parenthood of Kansas and Mid-Missouri, Kansas NOW, and ACLU of Kansas and Western Missouri offered testimony in opposition of the bill. The Committee amended the bill to replace "hospital" and "health care facility" with "medical care facility" throughout the bill. The Committee also added provisions stating no person would be required to make referrals for medical procedures that result in sterilization and no medical care facility, medical care facility administrator, or governing board of any medical care facility would be required to permit the performance or referral for or participation in medical procedures that result in sterilization.

The fiscal note for HB 2523, as introduced, indicates passage of the bill would have no fiscal effect on the Board of Healing Arts or the Kansas Department of Health and Environment.