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**TESTIMONY REGARDING HB 2253**

HB 2253 is a modified version of last year's HB 2598 that passed the House with 88 votes but was not taken up by the Senate. HB 2598 was, in turn, initially designed to follow the lead of HR 3, the federal No Taxpayer Funding of Abortion Act. A bill which all four members of the Kansas Congressional delegation co-sponsored and that passed the U.S. House. Since that initial drafting several changes have been made. First, unlike HB 2598, HB 2253 does not address sex selection abortions or wrongful birth lawsuits as those issues are being taken up in separate legislation pending in the Senate. The bill does however seek to deal with a variety of important issues where expansion, clarification or codification of existing law and practice is warranted.

Core elements of the bill include:

1. Includes language modeled on Chapter 1, Sec. 1.250 of the Missouri Revised Statutes. Passed in 1986, this language, often referred to as "the preamble," provides a general statement of principle that life begins at conception. This language was upheld by the U.S. Supreme Court in the 1989 decision *Webster v. Reproductive*, 492 US 490, where the Court noted: "Certainly the preamble does not, by its terms, regulate abortion or any other aspect of appellees' medical practice. The Court has emphasized that *Roe v. Wade* "implies no limitation on the authority of a State to make a value judgment favoring childbirth over abortion." *Maher v. Roe*, 432 U.S. at 474. The preamble can be read simply to express that sort of value judgment. We think the extent to which the preamble's language might be used to interpret other state statutes or regulations is something that only the courts of Missouri can definitively decide."
2. The bill clarifies restrictions on the use of state money to perform or facilitate the performance of abortions (except for those necessary to preserve the life of the mother), as well as limiting tax benefits relating to the performance of an abortion. Last year KU expressed some concern regarding the impact of this language on their residency program. My understanding based upon conversations with KU is that those concerns have been alleviated. There is a long line of cases dating back to at least *Beal v. Doe*, 432 U.S. 438 (1977), that grants states broad discretion to restrict state funding of abortions.
3. Provides anti-discrimination protection for individuals and entities that do not perform abortions.

4. Limits access of abortion providers to participation in public schools sex education classes.
5. Updates certain definitions in late term post-viability abortion statute to comport with those enacted in 2011 fetal pain bill (def. of bodily function and medical emergency for example).
6. Codifies certain language included in the current informed consent information produced by KDHE.
7. Expanded informed consent language on sign required in every clinic.

Thank you for your consideration of this matter. I would be pleased to speak with any of you in greater detail at any time regarding the content of the bill.

(Date: February 20, 2013)