

HOUSE BILL No. 2253

By Committee on Federal and State Affairs

2-6

1 AN ACT concerning abortion; relating to the funding of abortion services;
2 relating to restrictions on late-term abortions; relating to the woman's-
3 right-to-know act; amending K.S.A. 2012 Supp. 40-2246, 65-6701, 65-
4 6703, 65-6709, 65-6710, 76-3308, 79-32,117, 79-32,138, 79-32,182b,
5 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. As used in sections 1 through 8, and amendments
9 thereto:

10 (a) "Abortion" has the same meaning as such term is defined in
11 K.S.A. 65-6701, and amendments thereto.

12 (b) "Health benefit plan" means any hospital or medical expense
13 policy, health, hospital or medical services corporation contract, and a plan
14 provided by a municipal group-funded pool, or a health maintenance
15 organization contract offered by any employer or any certificate issued
16 under any such policy, contract or plan.

17 (c) "Health care entity" means an individual physician or other health
18 care professional, a hospital, a provider-sponsored organization, a health
19 maintenance organization or any other health care facility or organization.

20 (d) "School district" means any public school district organized under
21 the laws of this state.

22 (e) "State agency" has the same meaning as such term is defined in
23 K.S.A. 75-3701, and amendments thereto.

24 New Sec. 2. (a) The legislature hereby finds and declares the
25 following:

26 (1) The life of each human being begins at fertilization;

27 (2) unborn children have interests in life, health and well-being that
28 should be protected; and

29 (3) the parents of unborn children have protectable interests in the
30 life, health and well-being of the unborn children of such parents.

31 (b) On and after July 1, 2013, the laws of this state shall be
32 interpreted and construed to acknowledge on behalf of the unborn child at
33 every stage of development, all the rights, privileges and immunities
34 available to other persons, citizens and residents of this state, subject only
35 to the constitution of the United States, and decisional interpretations
36 thereof by the United States supreme court and specific provisions to the

Ballroom Amendments #3 for HB 2253
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1 (4) the probable gestational age of the unborn child at the time the
 2 abortion is to be performed and that Kansas law requires the following:
 3 "No person shall perform or induce an abortion when the unborn child is
 4 viable unless such person is a physician and has a documented referral
 5 from another physician not financially associated with the physician
 6 performing or inducing the abortion and both physicians determine that:
 7 (1) The abortion is necessary to preserve the life of the pregnant woman;
 8 or (2) a continuation of the pregnancy will cause a substantial and
 9 irreversible *physical* impairment of a major bodily function of the pregnant
 10 woman." If the child is born alive, the attending physician has the legal
 11 obligation to take all reasonable steps necessary to maintain the life and
 12 health of the child;

13 (5) the probable anatomical and physiological characteristics of the
 14 unborn child at the time the abortion is to be performed;

15 (6) the contact information for ~~free~~ counseling assistance for
 16 medically challenging pregnancies ~~and~~ the contact information for ~~free~~
 17 perinatal hospice services, *including information regarding which entities*
 18 *provide such services free of charge;*

19 (7) the medical risks associated with carrying an unborn child to
 20 term; and

21 (8) any need for anti-Rh immune globulin therapy, if she is Rh
 22 negative, the likely consequences of refusing such therapy and the cost of
 23 the therapy.

24 (b) At least 24 hours before the abortion, the physician who is to
 25 perform the abortion, the referring physician or a qualified person has
 26 informed the woman in writing that:

27 (1) Medical assistance benefits may be available for prenatal care,
 28 childbirth and neonatal care, and that more detailed information on the
 29 availability of such assistance is contained in the printed materials given to
 30 her and described in K.S.A. 65-6710, and amendments thereto;

31 (2) the informational materials in K.S.A. 65-6710, and amendments
 32 thereto, are available in printed form and online, and describe the unborn
 33 child, list agencies which offer alternatives to abortion with a special
 34 section listing adoption services and list providers of free ultrasound
 35 services;

36 (3) the father of the unborn child is liable to assist in the support of
 37 her child, even in instances where he has offered to pay for the abortion
 38 except that in the case of rape this information may be omitted;

39 (4) the woman is free to withhold or withdraw her consent to the
 40 abortion at any time prior to invasion of the uterus without affecting her
 41 right to future care or treatment and without the loss of any state or
 42 federally-funded benefits to which she might otherwise be entitled; ~~and~~
 43 (5) the abortion will terminate the life of a whole, separate, unique,

and a listing of websites for
 national perinatal assistance