

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on March 13, 2001 in Room 313-S of the Capitol.

All members were present except: Representative Joann Freeborn, Excused
Representative Ruby Gilbert, Excused
Representative Broderick Henderson, Excused
Representative Ethel Peterson, Excused

Committee staff present: Theresa M. Kiernan, Revisor of Statutes
Russell Mills, Legislative Research Department
Shelia Pearman, Committee Secretary

Conferees appearing before the committee:
Representative Mary Cook
John Kindley, Indiana Attorney
Lori Faerber, Registered Nurse
Kathy Ostrowski, Kansas for Life
Barbara Duke, American Association of University Women
Carla Mahany, Planned Parenthood of Kansas & Mid Missouri

Others attending: See attached list

The Chairman opened the hearing on **HB 2517 - Abortion; woman's-right-to-know act; disclosure of increased cancer risks.**

Representative Cook expressed her concern of providing education to women of an increased risk of cancer associated with abortion. She pointed out the numerous credible and statistically sound studies done that reveal a true woman's health is threatened by abortion. Because a woman's sexuality is so easily exploited, it is vital that protections are put in place to guard her health. (Attachment #1)

Mr. Kindley is an Indiana attorney currently prosecuting a consumer protection lawsuit in North Dakota based on informed consent and the abortion-breast cancer link. The proposed amendments (Attachment #2) to K.S.A. 2000 Supp. 65-6709(a)(8) expands the informed consent notification to all women seeking an abortion as to the increased risk of breast cancer in two independent way: first, by abrogating the protective effect of a full-term pregnancy, and second, by doing so at a time when estrogen overexposure during the first two trimesters has left the breast with an abnormally high number of cells which are vulnerable to cancerous mutation. (Attachment #3)

The current version of Kansas' woman's right-to-know law requires a woman be told the medical risks associated not only with having an abortions but also with "carrying a fetus to term." Both the letter and the spirit of the current statute therefore support a requirement that she be told that carrying her child to term is associated with decreased breast cancer risk.

Ms. Faerber has been a nurse for eight years in various pediatric, obstetrics, and gynecological health care settings. She stated there is a need to strengthen the public policy on cancer. She reviewed facts (per Attachment #4) including that breasts are permanently altered during a woman's first pregnancy. If during the first trimester, miscarriage or surgically-induced abortion interrupts this process, the immature cells are more susceptible to cancer-causing agents.

Ms. Ostrowski stated (Attachment #5) Breast Cancer risk is increased by abortion because the prolonged estrogen exposure of early pregnancy which is not followed by the protective hormonal activity of the late third trimester. She encouraged the committee to have **HB 2517** (Section 1 (a)(3)) include the additional statements of risks in the "If You Are Pregnant" booklet prepared by Kansas Department of Health and Environment:

1. Giving birth gives protection against breast cancer. Additional testimony (Attachment #5) submitted on March 15, clarified that naturally occurring or spontaneous abortions (or miscarriages) are not linked to elevated breast cancer because approximately 90 percent occur in the first trimester and are attributed to the lack of estrogen.

Mark Gillette, M.D. submitted testimony in support of **HB 2517** stating his concern that appropriate counseling regarding emotional and physical ramifications of abortion is not given to women prior to an abortion (Attachment #6)

Ms. Duke shared that as a breast cancer survivor, she knows the need for accurate, well-research information about the disease be provided to all women but warned that misinformation can also stigmatize women. (Attachment #7) She opposed **HB 2517** because of the inconclusive evidence of a link.

Ms. Mahany (Attachment #8) cited additional information from the National Breast Cancer Coalition Fund which does not support the implied link between abortions and breast cancer. The National Cancer Institute noted the most common risk factor for breast cancer is increasing age: 1 of 2,525 women in their thirties and 1 of 11 in their seventies. Other risk factors include family history of breast cancer and obesity.

Ms. Kenney cited several organizations (Attachment #9) including the National Cancer Institute which continue to question the link between abortion and breast cancer. She cited the study published in *Epidemiology* (January 2000) which found “no excess risk of breast cancer among women who reported having an induced abortion compared with those who did not, no did risk increase with increasing number of reported induced abortions.”

Written testimony in opposition to **HB 2517** by Sharon Lockhart (Attachment #10) encouraged education of all cancer risks as well as the risk of heart disease especially for women.

The hearing on **HB 2517** was closed.

The committee meeting adjourned at 3:15 p.m. The next scheduled meeting is March 14, 2001.