

HOUSE BILL No. 2035

By Representatives Kinzer, Rubin, Arpke, Billinger, A. Brown, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Donohoe, Fund, Garber, Goico, Goodman, Grange, Gregory, Gonzalez, Grosserode, Henry, Hermanson, Hildbrand, Hoffman, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Powell, Rhoades, Ryckman, Scapa, Schwab, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams and B. Wolf

1-19

1 ANACT concerning abortion; regarding certain prohibitions on late-term
2 and partial birth abortion; amending K.S.A. 65-445, 65-6701, 65-
3 6703, 65-6705 and 65-6721 and K.S.A. 2010 Supp. 65-6709 and 65-
4 6710 and repealing the existing sections; also repealing K.S.A. 65-
5 6713.

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

7 Section 1. K.S.A. 65-445 is hereby amended to read as follows: 65-
8 445. (a) Every medical care facility shall keep written records of all
9 pregnancies which are lawfully terminated within such medical care
10 facility and shall annually submit a written report thereon to the secretary
11 of health and environment in the manner and form prescribed by the
12 secretary. Every person licensed to practice medicine and surgery shall
13 keep a record of all pregnancies which are lawfully terminated by such
14 person in a location other than a medical care facility and shall annually
15 submit a written report thereon to the secretary of health and environment
16 in the manner and form prescribed by the secretary.
17

18 (b) Each report required by this section shall include the number of
19 pregnancies terminated during the period of time covered by the report,
20 the type of medical facility in which the pregnancy was terminated,
21 information required to be reported under subsections (b) and (c) of
22 K.S.A. 65-6703, subsection (j) of K.S.A. 65-6705 and subsection (c) of
23 K.S.A. 65-6721, and amendments thereto, if applicable to the pregnancy
24 terminated, and such other information as may be required by the
25 secretary of health and environment, but the report shall not include the
26 names of the persons whose pregnancies were so terminated. *Each report*
27 *required by subsections (b) and (c) of K.S.A. 65-6703, subsection (j) of*
28 *K.S.A. 65-6705 and subsection (c) of K.S.A. 65-6721, and amendments*
29 *thereto, shall specify the medical diagnosis and condition constituting a*
30 *substantial and irreversible impairment of a major bodily function or the*

Balloon Amendments

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1 secretary of health and environment shall adopt rules and regulations to
2 implement this section. Such rules and regulations shall prescribe, in
3 detail, the information required to be kept by the physicians and hospitals
4 and the information required in the reports which must be submitted to
5 the secretary.

6 (g) The department of social and rehabilitation services shall
7 prepare and publish an annual report on the number of reports of child
8 sexual abuse received by the department from abortion providers. Such
9 report shall be categorized by the age of the victim and the month the
10 report was submitted to the department. The name of the victim and any
11 other identifying information shall be kept confidential by the department
12 and shall not be released as part of the public report.

13 Sec. 2. K.S.A. 65-6701 is hereby amended to read as follows: 65-
14 6701. As used in this act:

15 (a) "Abortion" means

16 the use or prescription of any instrument, medicine, drug or any
17 other substance or device to terminate the pregnancy of a woman
18 known to be pregnant with an intention other than to increase the
19 probability of a live birth, to preserve the life or health of the child
20 after live birth, or to remove a dead unborn child who died as the
21 result of natural causes in utero, accidental trauma or a criminal
22 assault on the pregnant woman or her unborn child, and which
23 causes the premature termination of the pregnancy.

24 (b) "Counselor" means a person who is: (1) Licensed to practice
25 medicine and surgery; (2) licensed to practice psychology; (3) licensed to
26 practice professional or practical nursing; (4) registered to practice
27 professional counseling; (5) licensed as a social worker; (6) the holder of
28 a master's or doctor's degree from an accredited graduate school of social
29 work; (7) registered to practice marriage and family therapy; (8) a
30 licensed physician assistant; or (9) a currently ordained member of the
31 clergy or religious authority of any religious denomination or society.
32 Counselor does not include the physician who performs or induces the
33 abortion or a physician or other person who assists in performing or
34 inducing the abortion.

35 (c) "Department" means the department of health and environment.

36 (d) "Gestational age" means the time that has elapsed since the first
37 day of the woman's last menstrual period.

38 (e) "Medical emergency" means that condition which, on the basis
39 of the physician's good faith clinical judgment, so complicates the
40 medical condition of a pregnant woman as to necessitate the immediate
41 abortion of her pregnancy to avert her death or for which a delay will
42 create serious risk of substantial and irreversible impairment of a major
43 bodily function.

44 (f) "Minor" means a person less than 18 years of age.

45 (g) "Physician" means a person licensed to practice medicine and
46 surgery in this state.

the use or prescription of any instrument, medicine, drug or any
other substance or device to terminate the pregnancy of a woman
known to be pregnant with an intention other than to increase the
probability of a live birth, to preserve the life or health of the child
after live birth, or to remove a dead unborn child who died as the
result of natural causes in utero, accidental trauma or a criminal
assault on the pregnant woman or her unborn child, and which
causes the premature termination of the pregnancy.