

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 1:30 p.m. On February 17, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Rocky Fund – Excused  
Representative Mike Kiegerl – Excused  
Representative Charlotte O'Hara – Excused  
Representative Mike Peterson – Excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes  
Doug Taylor, Office of the Revisor of Statutes  
Julian Efird, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Stephen Bainum, Committee Assistant

Conferees appearing before the Committee:

Tiffany Campbell  
Amber Versola, Kansas NOW  
Virginia Philips, Trust Women  
Sarah Gillooly, Planned Parenthood

Others attending:

See attached list.

The Chairman called for bill introductions. Representative Kinzer introduced a House Resolution to join the health care lawsuit. Secondly, he introduced a bill for the integration of E-verify and law enforcement. They were both accepted without exception.

The Chairman re-opened the hearing on **HB 2218 Abortion regulation based on capacity of unborn child to feel pain** to hear those opposed the bill.

Virginia Phillips of Trust Women presented an audio-video testimony of Miriam Kleiman and Jason Steinbaum. It would be available from Trust Women. Miriam Kleiman's Written Only testimony is listed below.

Tiffany Campbell presented testimony as an opponent of **HB 2218 (Attachment 1)**. She was pregnant with twin boys who were suffering from Twin-to-Twin Transfusion Syndrome. At 17 to 18 weeks gestation they terminated one twin so that the other would survive. Tiffany maintains that this bill would prevent that if it was not discovered by the 21<sup>st</sup> gestational week.

Representative Grosserode asked what the gestational age was when they terminated one of the babies? Tiffany said it was about 17 weeks and they were referred to one of the top fetal care centers in the country, we had two days of testing and then it was at 18 weeks the life of one twin was terminated.

Representative Rubin said that the criminal sanctions in this bill would never apply to the mother of the child, are you aware of that. Tiffany said that she was aware of it and that it would apply to the doctor. She said that a woman would never be able to find a doctor who would risk his license to help her.

Representative Huebert said that this bill would not have impacted you at the 18 week gestational period you were at. Tiffany agreed that it wouldn't especially since she does not live in Kansas. Representative Huebert said that there were new technologies which will now give more options in the future.

Amber Versola, Kansas NOW, presented testimony as an opponent of **HB 2218 (Attachment 2)**. She said that this bill takes the rights of women to make personal medical decisions and places it in the hands of this legislative body. This bill fails to take individual medical circumstances into consideration. She said

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that the American College of Obstetricians and Gynecologists knows of no evidence that fetuses experience pain at this stage. The British Medical Journal has stated that fetuses do not feel pain until 26 weeks. She concluded that this legislation lacks empathy for pregnant women. This bill vilifies women and is an affront to the pain, the loss and the mental anguish these women endure.

Representative Patton took objection to one comment. He said that you have not heard anyone on this committee vilify women. What we have heard is their attempt to vilify politicians. The subject here is human life and the state has a legitimate interest in these debates, but you have not heard anyone here vilifying anyone. Do you know of any other law that allows a person to take human life or the life of a disabled person merely because their motive was based upon love? You mentioned unspeakable pain. What about the unspeakable pain of the unborn child that's based on evidence we heard yesterday?

Representative Goico said that the issue is very narrow. It is when does a baby have the ability to feel pain? He said that none of her testimony addressed that.

Representative Seiwert said there had been some touching testimony of parents having to deal with the having to make a decision whether they live or not? Have you ever sit in a hospital with an aging parent that was dying and was in terrible pain. Amber said she had. Representative Seiwert asked if you were ready to pull the plug on them? Amber did not feel comfortable answering that question.

Representative Rubin asked if she had statistics regarding what percentage of abortions performed at 22 weeks and beyond are for reasons such as you have testified about today as opposed to abortions performed for no such medical reason? Amber said that she understood that at 22 weeks you could not get an abortion except for reasons of the mothers health. Representative Rubin said that we are talking about medical problems with the fetus. Amber did not have those statistics.

Representative Loganbill said that KDHE would have that information.

Representative Brunk asked if we were to change this bill to exclude fetal problems in the mothers womb that involved a serious medical emergency would that change you from an opponent to a proponent? Amber said you would have to be very clear as to what constituted a life threatening condition. Representative Brunk asked if it was a perfectly healthy child, would that change your testimony? Amber would not answer that question.

Representative Gregory asked if she was aware that in Section 3 **HB 2218** would allow an abortion on a woman when the gestation age was 22 weeks or more if there is a reasonable medical judgment that she has a condition that complicates her medical status. Amber said that it did not consider her mental health and it does not make an exception for fetal anomaly.

Virginia Phillips presented testimony as an opponent of **HB 2218** ([Attachment 3](#)). She recounted the cases of several women who terminated their pregnancy past 22 weeks because of severe fetal anomalies. She said that the AMA says that evidence regarding the capacity of a fetus to feel pain is limited and that it is unlikely that they feel pain before the third trimester.

Representative Brunk asked that the information from the AMA be supplied to the Committee Assistant. Virginia said that she would supply it.

Representative Gregory asked if this bill had an amendment that would have an exception for a child in uterus that had an anomaly in development, would you support it? Virginia said that she was not in a position to answer that and that a ban on pre-viable fetuses is unconstitutional.

Representative Patton asked what the year of the quote from the AMA was. Virginia said she did not have it right now but would provide it.

Sarah M. Gillooly, Planned Parenthood of Kansas and Mid-Missouri, gave testimony as an opponent of **HB 2218** ([Attachment 4](#)). She stated that **HB 2218** was unconstitutional for three reasons; 1. it bans pre-viability abortions, 2. it fails to state a constitutionally recognized state interest, and 3. it fails to adequately protect a woman's health.

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Representative Huebert said that a lot has changed since 2005 in medical science. Is there medical knowledge now that might be more relevant? Sarah said that she could submit more recent information.

The following written only testimonies are personal experiences of abortions performed because of fetal anomalies. They are all submitted as opponents to **HB 2218**.

Miriam Kleiman (Attachment 5).

Melissa Hamilton (Attachment 6).

Christie Brooks (Attachment 7).

Susan (no last name) (Attachment 8).

Michelle (no last name) (Attachment 9).

Carmin Bullock (Attachment 10).

Melissa (no last name) (Attachment 11).

Alesha E. Doan (Attachment 12).

Stephanie Imbesi (Attachment 13).

Heather S Pew (Attachment 14).

Tracy Petruso (Attachment 15).

Jill Meadows M.D. (Attachment 16).

The next meeting is scheduled for February 18, 2011.

The meeting was adjourned at 2:57 p.m.