

House Substitute for SENATE BILL No. 62

AN ACT concerning medical care facilities; relating to abortion; sterilization; amending K.S.A. 65-443, 65-446 and 65-447 and K.S.A. 2011 Supp. 65-444 and repealing the existing sections.

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

Section 1. K.S.A. 65-443 is hereby amended to read as follows: 65-443. No person shall be required to perform, *refer for*, or participate in medical procedures *or in the prescription or administration of any device or drug* which result in the termination of a pregnancy *or an effect of which the person reasonably believes may result in the termination of a pregnancy*, and the refusal of any person to perform, *refer for*, or participate in those medical procedures, *prescription or administration* shall not be a basis for civil liability to any person. No ~~hospital, hospital~~ *medical care facility, medical care facility* administrator or governing board of any ~~hospital~~ *medical care facility* shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any person because of such person's ~~refusal to perform or participate in the termination of any human pregnancy~~ *exercise of rights protected by this section.*

Sec. 2. K.S.A. 2011 Supp. 65-444 is hereby amended to read as follows: 65-444. No ~~hospital, hospital~~ *medical care facility, medical care facility* administrator or governing board of any *medical care facility* shall be required to permit *the performance, referral for, or participation in medical procedures or in the prescription or administration of any device or drug* which result in the termination of human pregnancies *of an effect of which the medical care facility, administrator or board reasonably believes may result in the termination of human pregnancies* within its ~~institution~~ *facility* and the refusal to permit such procedures, *prescription or administration* shall not be grounds for civil liability to any person. A ~~hospital~~ *medical care facility* may establish criteria and procedures under which pregnancies may be terminated within its institution, in addition to those which may be prescribed by licensing, regulating or accrediting agencies.

Sec. 3. K.S.A. 65-446 is hereby amended to read as follows: 65-446. No person shall be required to perform, *refer for* or participate in medical procedures which result in sterilization of a person, and the refusal of any person to perform, *refer for* or participate in those medical procedures shall not be a basis for civil liability to any person. No ~~hospital, hospital~~ *medical care facility, medical care facility* administrator or governing board of any ~~hospital~~ *medical care facility* shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any person because of ~~his refusal to perform or participate in such medical procedures~~ *such person's exercise of rights protected by this section.*

Sec. 4. K.S.A. 65-447 is hereby amended to read as follows: 65-447. No ~~hospital, hospital~~ *medical care facility, medical care facility* administrator, or governing board of any *medical care facility* shall be required to permit *the performance, referral for or participation in* medical procedures resulting in sterilization within its ~~institution~~ *facility* and the refusal to permit such procedures shall not be grounds for civil liability to any person. A ~~hospital~~ *medical care facility* may establish criteria and procedures under which sterilizations may be performed within its institution, in addition to those which may be prescribed by licensing, regulating or accrediting agencies.

Sec. 5. K.S.A. 65-443, 65-446 and 65-447 and K.S.A. 2011 Supp. 65-444 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.