

SESSION OF 2017

**SECOND CONFERENCE COMMITTEE REPORT BRIEF
SENATE BILL NO. 83**

As Agreed to May 24, 2017

Brief*

SB 83 would amend the Woman's Right to Know Act as it relates to what constitutes voluntary and informed consent before an abortion can be performed. The bill would require additional information about the physician performing an abortion to be provided to a woman at least 24 hours in advance of the procedure.

Specifically, the bill would require the following information be provided:

- The name of the physician;
- The year the physician received a medical doctor's degree;
- The date the physician's employment began at the facility where the procedure is to be performed;
- The name of any hospital where the physician has lost clinical privileges; and
- The following information is to be notated by marking a box indicating "yes" or a box indicating "no":

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- Whether any disciplinary action has been taken against the physician by the State Board of Healing Arts (Board);
 - If the “yes” box is marked, a website address to Board documentation for each disciplinary action must be provided;
- Whether the physician has malpractice insurance;
- Whether the physician has clinical privileges at any hospital within 30 miles of the facility where the procedure is to be performed;
 - If the “yes” box is marked, the name of each hospital and date the privileges were issued must be provided; and
- Whether the physician is a resident of Kansas.

The information listed above would be required to be provided on white paper, in a printed format, in black ink, and in 12-point Times New Roman font.

The bill would state that if any of the laws related to abortion found in KSA Chapter 65, Section 67 are enjoined, all other provisions in that section of law will be enforced as if the enjoined provisions had not been enacted. If the injunction on the provisions ceases to be in effect, the provisions would have full force and effect.

Conference Committee Action

The second Conference Committee struck the original contents of SB 83 (relating to the regulation of propane) and inserted the provisions of HB 2319. The Conference Committee also adopted the amendment to SB 98 passed by the Senate Committee on Federal and State Affairs, specifying the information required by the bill must be printed on white paper.

HB 2319 and SB 98 were identical, as introduced. Background information for HB 2319 and SB 98 is included below.

Background

HB 2319

HB 2319 was introduced by Representatives Arnberger, Averkamp, Blex, Cox, DeGraaf, Ellis, Esau, Garber, Highland, Huebert, Humphries, Jacobs, Landwehr, Osterman, Rafie, Rahjes, Vickrey, Weber, and Williams. In the House Committee on Federal and State Affairs hearing, representatives of the Family Policy Alliance and Kansans for Life appeared in support of the bill. Written-only proponent testimony was provided by Concerned Women for America of Kansas, the Kansas Catholic Conference, two medical doctors, and a private citizen.

Representatives of Planned Parenthood Great Plains Votes, South Wind Women's Center, and Trust Women Foundation, Inc., testified in opposition to the bill. Written-only opponent testimony was provided by the American Civil Liberties Union of Kansas and three physicians.

No neutral testimony was provided.

According to the fiscal note prepared by the Division of the Budget, enactment of HB 2319 could result in additional reports or complaints regarding physicians alleged to have violated the requirements of the bill, which could result in an increased number of investigations to be performed by the Board. Potential increases in investigations would increase operational expenses. The Board was unable to predict what any additional costs would be.

The Office of Judicial Administration and the Kansas Department of Health and Environment (KDHE) indicate the

fiscal effect of enactment of the bill would be negligible. KDHE would only have to make changes to the website as printed materials are no longer sent to physicians' offices, clinics and hospitals, or health centers.

Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.

SB 98

SB 98 was introduced by Senators Baumgardner, Alley, Billinger, Bowers, Estes, Fitzgerald, Goddard, Kerschen, LaTurner, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, and Wilborn. In the Senate Committee on Federal and State Affairs hearing, Senator Baumgardner and representatives from the Family Policy Alliance of Kansas and Kansans for Life testified in support of the bill. Written-only proponent testimony was provided by the Kansas Catholic Conference, an attorney, and two physicians.

A representative from Planned Parenthood, an attorney, and a physician appeared in opposition to the bill. Written-only opponent testimony was provided by the American Civil Liberties Union of Kansas and three physicians.

No neutral testimony was provided.

The Senate Committee amended the bill to specify the information required by the bill be printed on white paper.

According to the fiscal note prepared by the Division of the Budget on SB 98, as introduced, enactment of the bill could result in additional reports or complaints regarding physicians alleged to have violated the requirements of the bill, which could result in an increased number of investigations to be performed by the Board. Potential increases in investigations would increase operational

expenses. The Board was unable to predict what any additional costs would be.

The Office of Judicial Administration and KDHE indicate the fiscal effect of enactment of the bill would be negligible. KDHE would only have to make changes to the website as printed materials are no longer sent to physicians' offices, clinics and hospitals, or health centers.

Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.

abortion; woman's right to know act; informed consent

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