

## HOUSE BILL No. 2517

By Committee on Federal and State Affairs

2-16

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AN ACT concerning abortion; relating to requirements under the woman's-right-to-know act; amending K.S.A. 2000 Supp. 65-6709 and repealing the existing section.

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

Section 1. K.S.A. 2000 Supp. 65-6709 is hereby amended to read as follows: 65-6709. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(a) At least 24 hours before the abortion the physician who is to perform the abortion or the referring physician has informed the woman in writing of:

- (1) The name of the physician who will perform the abortion;
- (2) a description of the proposed abortion method;
- (3) a description of risks related to the proposed abortion method, including risks to the woman's reproductive health and alternatives to the abortion that a reasonable patient would consider material to the decision of whether or not to undergo the abortion;
- (4) the probable gestational age of the fetus at the time the abortion is to be performed and that Kansas law requires the following: "No person shall perform or induce an abortion when the fetus is viable unless such person is a physician and has a documented referral from another physician not financially associated with the physician performing or inducing the abortion and both physicians determine that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) ~~the fetus is affected by a severe or life-threatening deformity or abnormality~~ *a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman.*" If the child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child;
- (5) the probable anatomical and physiological characteristics of the fetus at the time the abortion is to be performed;
- (6) the medical risks associated with carrying a fetus to term; ~~and~~
- (7) any need for anti-Rh immune globulin therapy, if she is Rh neg-

1 ative, the likely consequences of refusing such therapy and the cost of  
2 the therapy; *and*

3 (8) *the increased risk of breast cancer associated with the proposed*  
4 *abortion.*

5 (b) At least 24 hours before the abortion, the physician who is to  
6 perform the abortion, the referring physician or a qualified person has  
7 informed the woman in writing that:

8 (1) Medical assistance benefits may be available for prenatal care,  
9 childbirth and neonatal care, and that more detailed information on the  
10 availability of such assistance is contained in the printed materials given  
11 to her and described in K.S.A. 2000 Supp. 65-6710, and amendments  
12 thereto;

13 (2) the printed materials in K.S.A. 2000 Supp. 65-6710, and amend-  
14 ments thereto, describe the fetus and list agencies which offer alternatives  
15 to abortion with a special section listing adoption services;

16 (3) the father of the fetus is liable to assist in the support of her child,  
17 even in instances where he has offered to pay for the abortion except that  
18 in the case of rape this information may be omitted; and

19 (4) the woman is free to withhold or withdraw her consent to the  
20 abortion at any time prior to invasion of the uterus without affecting her  
21 right to future care or treatment and without the loss of any state or  
22 federally-funded benefits to which she might otherwise be entitled.

23 (c) Prior to the abortion procedure, prior to physical preparation for  
24 the abortion and prior to the administration of medication for the abor-  
25 tion, the woman shall meet privately with the physician who is to perform  
26 the abortion and such person's staff to ensure that she has an adequate  
27 opportunity to ask questions of and obtain information from the physician  
28 concerning the abortion.

29 (d) At least 24 hours before the abortion, the woman is given a copy  
30 of the printed materials described in K.S.A. 2000 Supp. 65-6710, and  
31 amendments thereto. If the woman asks questions concerning any of the  
32 information or materials, answers shall be provided to her in her own  
33 language.

34 (e) The woman certifies in writing on a form provided by the de-  
35 partment, prior to the abortion, that the information required to be pro-  
36 vided under subsections (a), (b) and (d) has been provided and that she  
37 has met with the physician who is to perform the abortion on an individual  
38 basis as provided under subsection (c). All physicians who perform abor-  
39 tions shall report the total number of certifications received monthly to  
40 the department. The department shall make the number of certifications  
41 received available on an annual basis.

42 (f) Prior to the performance of the abortion, the physician who is to  
43 perform the abortion or the physician's agent receives a copy of the writ-

1 ten certification prescribed by subsection (e) of this section.

2 (g) The woman is not required to pay any amount for the abortion  
3 procedure until the 24-hour waiting period has expired.

4 Sec. 2. K.S.A. 2000 Supp. 65-6709 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its  
6 publication in the statute book.

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