

## HOUSE BILL No. 2361

By Representative F. Miller

2-12

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AN ACT concerning abortion; relating to parental consent; amending K.S.A. 65-6704 and repealing the existing section.

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

Section 1. K.S.A. 65-6704 is hereby amended to read as follows: 65-6704. (a) Before the performance of an abortion upon a minor, a counselor shall provide pregnancy information and counseling in a manner that can be understood by the minor and allows opportunity for the minor's questions to be addressed. A parent or *legal* guardian, or a person 21 or more years of age who is not associated with the abortion provider and who has a personal interest in the minor's well-being, shall accompany the minor and be involved in the minor's decision-making process regarding whether to have an abortion. Such information and counseling shall include:

(1) The alternatives available to the minor, including abortion, adoption and other alternatives to abortion;

(A) *The alternatives to an abortion shall be explained to the minor in the offices of any Kansas adoption placement agency, selected by the minor from a statewide listing of such agencies provided to the minor by the abortion physician;*

(B) *The department of health and environment shall prepare a listing of Kansas adoption placement agencies of which at least 50% of their services are in infant adoption placements. The department shall mail copies of the listing to any abortion physician or other person who requests such listings within 10 days of receipt of the request. Thereafter, the department shall automatically send copies of an updated listing to the abortion physician at six-month intervals;*

(C) *the abortion physician shall in no way advise or coerce the pregnant minor in her selection of an adoption placement agency;*

(D) *the abortion physician shall provide the pregnant minor with an alternatives to abortion form that must be completed, dated, signed and notarized by the adoption placement agency. The pregnant minor shall take the form with her to her chosen adoption placement agency for counseling by an experienced employee regarding the alternatives to an abortion. If the pregnant minor wishes to proceed with the abortion the preg-*

1 *nant minor shall return the completed form to the abortion physician*  
 2 *which then releases the abortion physician to perform the abortion. The*  
 3 *alternatives to abortion form duly dated, signed and notarized, attesting*  
 4 *that counsel was provided to the pregnant minor shall be filed by the*  
 5 *abortion physician in the pregnant minor's permanent records;*

6 (E) *The alternatives to abortion form shall include the following*  
 7 *information:*

8 *Alternatives to Abortion Counseling Form*

9 I \_\_\_\_\_ an experienced employee in the practice of infant adoption, and an employee  
 10 of (name of company): \_\_\_\_\_ (street address): \_\_\_\_\_, (city): \_\_\_\_\_  
 11 (State): \_\_\_\_\_, (zip-code): \_\_\_\_\_, do herewith attest that the pregnant minor (full name):  
 12 \_\_\_\_\_, was counseled on the alternatives to abortion on this date \_\_\_\_\_.

13 Counseling Employee: \_\_\_\_\_

14 Notarized by: \_\_\_\_\_ Date: \_\_\_\_\_

15 (F) *The department of health and environment shall prepare the form*  
 16 *provided in subparagraph (E) of subsection (a)(1) and send a supply of*  
 17 *such form along to any abortion physician or person who has requested*  
 18 *copies of the listing of Kansas adoption placement agencies. The secretary*  
 19 *of health and environment shall by rules and regulations implement the*  
 20 *provisions of this section.*

21 (2) *an explanation that the minor may change a decision to have an*  
 22 *abortion at any time before the abortion is performed or may decide to*  
 23 *have an abortion at any time while an abortion may be legally performed;*

24 (3) *make available to the minor information on agencies available to*  
 25 *assist the minor and agencies from which birth control information is*  
 26 *available;*

27 (4) *discussion of the possibility of involving the minor's parent or*  
 28 *parents, other adult family members or legal guardian in the minor's de-*  
 29 *cision-making; and*

30 (5) *information regarding the provisions of K.S.A. 65-6705, and*  
 31 *amendments thereto, and the minor's rights under such provisions.*

32 (b) *After the performance of an abortion on a minor, a counselor shall*  
 33 *provide counseling to assist the minor in adjusting to any post-abortion*  
 34 *problems that the minor may have.*

35 (c) *After the counselor provides information and counseling to a mi-*  
 36 *nor as required by this section, the counselor shall have the minor sign*  
 37 *and date a statement setting forth the requirements of subsections (a)*  
 38 *and (b) and declaring that the minor has received information and coun-*  
 39 *seling in accordance with those requirements.*

40 (d) *The counselor shall also sign and date the statement and shall*  
 41 *include the counselor's business address and business telephone number.*  
 42 *The counselor shall keep a copy for the minor's medical record and shall*  
 43 *give the form to the minor or, if the minor requests and if the counselor*

1 is not the attending physician, transmit the statement to the minor's at-  
2 tending physician. Such medical record shall be maintained as otherwise  
3 provided by law.

4 (e) The provision by a counselor of written materials which contain  
5 information and counseling meeting the requirements of subsections (a)  
6 and (b) and which is signed by the minor shall be presumed to be evidence  
7 of compliance with the requirements of this section.

8 (f) The requirements of subsection (a) shall not apply when, in the  
9 best medical judgment of the attending physician based on the facts of  
10 the case, an emergency exists that threatens the health, safety or well-  
11 being of the minor as to require an abortion. A physician who does not  
12 comply with the requirements of this section by reason of this exception  
13 shall state in the medical record of the abortion the medical indications  
14 on which the physician's judgment was based.

15 Sec. 2. K.S.A. 65-6704 is hereby repealed.

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

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