

## HOUSE BILL No. 2454

By Committee on Federal and State Affairs

2-7

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9 AN ACT concerning abortion; amending K.S.A. 65-6709 and repealing  
10 the existing section.

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

13 Section 1. K.S.A. 65-6709 is hereby amended to read as follows: 65-  
14 6709. No abortion shall be performed or induced without the voluntary  
15 and informed consent of the woman upon whom the abortion is to be  
16 performed or induced. Except in the case of a medical emergency, con-  
17 sent to an abortion is voluntary and informed only if:

18 (a) At least 24 hours before the abortion the physician who is to per-  
19 form the abortion or the referring physician has informed the woman in  
20 writing of:

21 (1) The name of the physician who will perform the abortion;

22 (2) a description of the proposed abortion method;

23 (3) a description of risks related to the proposed abortion method,  
24 including risks to the woman's reproductive health and alternatives to the  
25 abortion that a reasonable patient would consider material to the decision  
26 of whether or not to undergo the abortion;

27 (4) the probable gestational age of the fetus at the time the abortion  
28 is to be performed and that Kansas law requires the following: "No person  
29 shall perform or induce an abortion when the fetus is viable unless such  
30 person is a physician and has a documented referral from another phy-  
31 sician not financially associated with the physician performing or inducing  
32 the abortion and both physicians determine that: (1) The abortion is nec-  
33 essary to preserve the life of the pregnant woman; or (2) the fetus is  
34 affected by a severe or life-threatening deformity or abnormality." If the  
35 child is born alive, the attending physician has the legal obligation to take  
36 all reasonable steps necessary to maintain the life and health of the child;

37 (5) the probable anatomical and physiological characteristics of the  
38 fetus at the time the abortion is to be performed;

39 (6) *the ability of the woman to have a sonogram performed and to*  
40 *view the actual anatomical and physiological characteristics of the fetus,*  
41 *the sonogram shall be performed by the physician who is to perform the*  
42 *abortion or the referring physician. A woman who is unable to pay for*  
43 *the cost of the sonogram, shall have such sonogram paid for by the de-*

1 *partment of health and environment pursuant to rules and regulations*  
2 *adopted by the secretary of such department.*

3 ~~(6)~~ (7) the medical risks associated with carrying a fetus to term; and  
4 ~~(7)~~ (8) any need for anti-Rh immune globulin therapy, if she is Rh  
5 negative, the likely consequences of refusing such therapy and the cost  
6 of the therapy.

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

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

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

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

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

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

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