

SESSION OF 2003

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2176**

As Amended by Senate Committee on  
Public Health and Welfare

**Brief\***

HB 2176 would establish standards for the operation of abortion clinics. The Department of Health and Environment would be authorized to request a court to issue an injunction, restraining order, or other order to compel a facility to comply with the regulations. The bill would specify standards for:

- ! Patient areas, private areas, surgical areas, and recovery and counseling areas;
- ! Ventilation and lighting;
- ! Cleaning and sterilizing of rooms and equipment;
- ! Nurses and physician assistants;
- ! Abortion procedures, use of anesthesia, and use of intravenous access;
- ! Preparation of written materials for patients regarding possible problems and aftercare;
- ! Length of time that patients remain in the recovery room;
- ! Follow-up visits;
- ! Supplies and equipment;
- ! Pre- and post-procedure counseling;

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/kldr>

- ! Physicians and medical directors who must be licensed to practice medicine and surgery in Kansas;
- ! Medical screening and evaluation of patients;
- ! Use of ultrasound equipment;
- ! Emergency resuscitative and life support equipment and procedures; and
- ! Maintenance of clinic records, including those resulting in patient injury or death.

The House Committee amended the bill to add the following provisions:

- ! The Secretary of Health and Environment is directed to adopt rules and regulations requiring each abortion clinic to establish an internal risk management program, and a reporting system for reportable incidents.
- ! The Secretary is directed to make inspections and investigations of abortion clinics.
- ! Information received under this act could not be disclosed in such manner as to identify individuals. Patient medical information is confidential.
- ! Each clinic is required to obtain an annual license from the Department of Health and Environment. The Secretary is to set the license fees in an amount to cover the costs of enforcement of this act.

The Senate Committee amended the bill to:

- ! Modify the definition of "abortion clinic."

- ! Require that another person be present during examinations and abortions. If the physician is male, the other individual must be female.
- ! Require that a physician or a nurse who is advanced cardiovascular life support trained must remain on the premises until all patients are discharged.
- ! Provide that no person may operate an abortion clinic unless the clinic holds a currently valid license.
- ! Delete the criminal provision which made violations of the act or rules and regulations a class B person misdemeanor.
- ! Require the Department to deny, suspend, or revoke a license if there has been a substantial failure to comply with the act or rules and regulations.

## **Background**

Testifying in favor of the bill were: Representative Peggy Long; Kansans for Life; Kansas Catholic Conference; American United for Life; and a private citizen.

Testifying in opposition to the bill were: an abortion provider; Planned Parenthood; National Organization of Women; Women's Health Care Services; and Central Women's Services.

The fiscal note from the Department of Health and Environment indicates that the fiscal effect of \$193,600 would include \$145,750 for the salaries of 3.0 additional FTE positions, and \$47,910 for other operating expenditures to be spent on the regulating requirements of the bill. Any fiscal effect resulting from enactment of HB 2176 is not included in *The FY 2004 Governor's Budget Report*.