

SESSION OF 2006

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2792

As Amended by House Committee on
Federal and State Affairs

Brief*

HB 2792, as amended, would amend two existing statutes regarding abortion upon a minor.

Current law requires a minor to receive counseling and pregnancy information by a counselor before obtaining an abortion. At the counseling session, the minor must be accompanied by a parent or guardian, or a person who is at least 21 years of age and has a personal interest in the minor's well-being. The bill would require the person accompanying the minor to present valid identification and state the person's relationship to the minor and to the putative father of the unborn fetus. Additionally, the minor would be required to present identification and verification of the minor's state of residence.

The bill would prohibit both the counselor who counseled the minor and the abortion clinic staff from accompanying or assisting the minor in the court proceeding to request a waiver of parental notification.

The bill also would require the court to send reports to the Department of Health and Environment that disclose nonidentifying information that provide:

- The number of minors seeking a judicial bypass of parental notification;
- The number granted;
- The reasons for granting the petition;
- Any subsequent action taken in response to protecting the minor from domestic or predatory abuse; and

*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>

- The judicial district, the minor's state of residence, age, and disability status.

The bill would require the court to report, to other appropriate state authorities, in addition to the Department of Health and Environment, suspected child abuse or neglect discovered during the course of the judicial hearing to waive parental notice. Finally, the bill would immunize a parent or guardian from liability for costs of any subsequent medical treatment the minor may require as a result of an abortion if the abortion was performed without the parent or guardian's notice or knowledge. The exception to the immunity for costs of any subsequent medical treatment would be if the abortion was performed in a medical emergency.

Background

The House Committee amended the bill to:

- Strike the provision that would have required the physician performing the abortion to discern and obey the stricter parental notification law, when the minor's state of residence is not Kansas;
- Add a new provision that would require the court to report, to the appropriate state authorities, suspected child abuse or neglect discovered during the course of the judicial hearing to waive parental notice; and
- Add a new provision that would immunize a parent or guardian from liability for costs of any subsequent medical treatment the minor may require as a result of an abortion if the abortion was performed without the parent or guardian's notice or knowledge, unless the abortion was performed in a medical emergency.

The proponents of the bill who testified at the Committee hearing included Representative Richard Kelsey and a representative of Kansans for Life.

The opponents of the bill who testified at the Committee hearing included a Minister of the Shawnee Mission Unitarian Universalist Church, a licensed substance abuse counselor, a parent, and another concerned citizen.

The fiscal note from the Division of Budget states that the Department of Health and Environment opines that the reporting required by the bill could be accomplished within existing resources by its Center for Health and Environmental Statistics Abortion Reporting Program. The Office of Judicial Administration states that the Judiciary would need to modify the Full Court Case Management System to accommodate this change. The cost for this modification is estimated to be \$26,000. Any fiscal effect associated with this bill is not included in *The FY 2007 Governor's Budget Report*.