



## **Testimony on Medicaid Expansion and Taxpayer Funding of Abortion**

House Health and Human Services Committee | March 20, 2024

Chairwoman Landwehr and Members of the committee,

My name is Jeanne Gawdun, Director of Government Relations with Kansans for Life. In 2020, KFL changed from its long-standing neutral position on the issue of Medicaid Expansion to opposition, which continues to this day.

Let me explain why.

The Hyde Amendment is a yearly federal budget provision that applies only to certain federal dollars, not state funds. That is how other state Medicaid programs pay for abortion. Hyde is not a federal statute and has to be reauthorized every year. It is worth noting that President Biden supported the Hyde Amendment for decades as a U.S. Senator, but as president he has repeatedly called for its repeal.

In 2015, KFL submitted written neutral testimony on a Medicaid Expansion bill in order to inform legislators of two things: that proponent Planned Parenthood was seeking another public funding stream, and that there was extensive evidence that the organization was overbilling Medicaid programs by millions of dollars.

Beyond sharing those concerns with the committee, KFL chose not to engage further on the issue. A ban on the use of state taxpayer funded abortions had been enacted by the state legislature in 2013, and though a legal challenge was filed, it was still in force.

In 2017, both legislative chambers approved Medicaid Expansion, but did not override Governor Brownback's veto. Since the 2013 ban on state taxpayer funded abortions was intact, KFL again chose to maintain its neutral position, even during this heated legislative battle.

Since the Kansas Supreme Court's April 2019 finding of a fundamental "right" to abortion in the state Constitution, KFL has warned legislators about the ramifications, in particular the danger to current regulations on abortion, including the taxpayer funding ban. We are right to be concerned, because in its Hodes decision, the court cited five cases that specifically supported taxpayer and Medicaid funded abortions, as a result of states considering abortion a fundamental right.

For example, in 2021, 60% of abortions in Connecticut were funded by the state's Medicaid program known as "Husky." The Guttmacher Institute, which has ties to Planned Parenthood, notes that 17 state Medicaid programs currently pay for abortions—9 of which are as a result of court cases.

In 2020, researcher Michael J. New, Ph.D., wrote an analysis of how Medicaid Expansion would affect abortion rates in Kansas, which was shared with state legislators. It said in part, "...based on the

precedent set in numerous other states, many legal analysts are concerned that the Kansas Supreme Court will likely require the state to fund elective abortions for Medicaid-eligible women in the future. Under this scenario, expanding the state Medicaid program allows more women to become eligible for publicly funded abortions, and would increase the number of abortions that occur.”<sup>1</sup>

In August 2022, an article in the Missouri Independent headlined “Missouri Dems Hope Kansas, Illinois will help pay for out-of-state residents’ abortions” revealed how Kansas Governor Laura Kelly and state legislators were being urged to take advantage of possible waivers for the Medicaid program to pay for abortions for out-of-state patients traveling to Kansas from Missouri.

From the article: Kansas Senate Minority Leader Dinah Sykes, D-Lenexa, said Friday that she is researching what the option would entail, but noted that if it requires legislative approval it would face long odds in the Kansas legislature. “With the current makeup of our legislature, there’s no way that that would go through,” Sykes said, later adding: “If it’s something that we can move forward without legislation, that is great, but I really think we’re gonna have that pushback.”<sup>2</sup>

Kansans for Life acknowledges that Medicaid Expansion is a complicated issue, but we cannot allow taxpayer funded abortions to drastically increase in Kansas, which is an absolute certainty due the Supreme Court’s 2019 Hodes & Nauser v. Schmidt decision.

Thank you for your consideration.

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<sup>1</sup> [An Analysis of How Medicaid Expansion in Kansas Will Affect Abortion Rates - Lozier Institute](#)

<sup>2</sup> <https://missouriindependent.com/2022/08/05/missouri-dems-hope-kansas-illinois-will-help-pay-for-out-of-state-residents-abortions/>