

HOUSE BILL No. 2526

By Committee on Federal and State Affairs

3-16

9 AN ACT enacting the child rape protection act; requiring physicians who
10 perform abortions to retain certain tissue samples for DNA testing;
11 providing remedies and penalties for failure to comply.
12

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

14 Section 1. (a) This act shall be known and may be cited as the child
15 rape protection act.

16 (b) As used in this section:

17 (1) "Abortion" has the meaning provided in K.S.A. 65-6701, and
18 amendments thereto.

19 (2) "Physician" means any person licensed to practice medicine and
20 surgery.

21 (c) Any physician who performs an abortion on a minor who was less
22 than 14 years of age at the time of the abortion procedure shall preserve,
23 in accordance with rules and regulations adopted by the Kansas bureau
24 of investigation pursuant to this section, fetal tissue extracted during such
25 abortion. The physician shall submit such tissue to the Kansas bureau of
26 investigation or to a laboratory designated by the director of the Kansas
27 bureau of investigation.

28 (d) The director of the Kansas bureau of investigation shall adopt
29 rules and regulations prescribing:

30 (1) The amount and type of fetal tissue to be preserved and submitted
31 by a physician pursuant to this section;

32 (2) procedures for the proper preservation of such tissue for the pur-
33 pose of DNA testing and examination;

34 (3) procedures for documenting the chain of custody of such tissue
35 for use as evidence;

36 (4) procedures for proper disposal of fetal tissue preserved pursuant
37 to this section;

38 (5) a uniform reporting instrument mandated to be utilized by phy-
39 sicians when submitting fetal tissue under this section which shall include
40 the name of the physician submitting the fetal tissue and the name, com-
41 plete address of residence and name of the parent or legal guardian of
42 the minor upon whom the abortion was performed; and

43 (6) procedures for communication with law enforcement agencies re-

1 guarding evidence and information obtained pursuant to this section.
2 (e) Failure of a physician to comply with any provision of this section
3 or any rule or regulation adopted hereunder:
4 (1) Shall constitute unprofessional conduct for the purposes of K.S.A.
5 65-2837, and amendments thereto; and
6 (2) is a class A, nonperson misdemeanor upon a first conviction and
7 a severity level 10, nonperson felony upon a second or subsequent
8 conviction.
9 Sec. 2. This act shall take effect and be in force from and after its
10 publication in the statute book.