

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Steven Brunk at 12:05 p.m. on March 22, 2011, in Room 346-S of the Capitol.

All members were present except:

Representative Fund -- excused

Representative Peterson - excused

Committee staff present:

Mike Heim, Office of the Revisor of Statutes

Doug Taylor, Office of the Revisor of Statutes

Julian Efird, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Stephen Bainum, Committee Assistant

The Chairman said that there were four Senate Bills assigned to us. We are going to strip the language in them and insert the language of bills that we have already passed out. The Senate bills are **SB 34, 35, 36 and 45.**

On **SB 34** we are going to strip its contents and insert the language of **HB 2035 Amending statutes regulating late-term and partial birth abortions** as it passed out of the Committee of the Whole.

Representative Patton made the motion to move the language of HB 2035 into SB 34, seconded by Representative Rubin. The motion carried. Representative Patton made a motion to pass Sub SB 34 favorably as amended. The motion carried.

The chairman said that the language of **HB 2218 Abortion regulation based on capacity of unborn child to feel pain** was going to be moved into **SB 35.**

Representative Patton made the motion to insert the language of HB 2218, seconded by Representative Rubin. The motion carried.

Representative Patton made a motion to strip the old language out of SB 35, seconded by Representative Rubin. The motion carried.

Representative Patton introduced an amendment of the language inserted into **Sub SB 35, (Attachment 1).** It inserts the following language into line 10, "the unborn child reacts to touch. By 20 weeks after fertilization". Representative Patton made a motion to move the amendment, seconded by Representative Rubin. The motion carried.

Representative Patton made a motion to pass Sub SB 35 favorably as amended, seconded by Representative Rubin. The motion carried.

The Chairman said that for **SB 36** we would strip its contents and insert the language of **HB 2337 Licensing of abortion clinics by department of health and environment.**

Representative Patton made a motion to strip the contents of SB 36 and insert the language of HB 2337, seconded by Representative Rubin. The motion carried.

Representative Patton said that we have an amendment for **HB 2337** to strike certain language, (~~Attachment 2~~). Representative Rubin asked that the stricken language from **HB 2337** be read. The strikeout sections were read by Representative Knox and explained.

Representative Patton made a motion to pass the amendment, seconded by Representative Rubin. The motion carried.

Representative Patton made a motion to pass Sub SB 36 favorably for passage as amended, seconded by Representative Rubin. The motion carried.

The Chairman said that we would strip the language of **SB 45** and insert the language of **Sub SB 34, Sub SB 35 and Sub SB 36.**

CONTINUATION SHEET

The minutes of the House Federal and State Affairs Committee at 1:30 p.m. on March 22, 2011, in Room 346-S of the Capitol.

Representative Patton made the motion to strip **SB 45** and insert the language of **SB 34**, **SB 35** and **SB 36**. The motion was seconded by Representative Rubin. The motion carried.

Representative Patton made a motion to pass favorably as amended **SB 45**, seconded by Representative Rubin. The motioned carried.

Representatives Henderson and Loganbill requested to be recorded as “no” votes.

The meeting was adjourned at 12:30 p.m.

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2218

By Representatives Kinzer, Arpke, Billinger, Boman, Brown, Brunk, Calloway, DeGraaf, Donohoe, Fund, Garber, Goico, Goodman, Gregory, Grosserode, Hedke, Henry, Hermanson, Hildabrand, Hoffman, M. Holmes, Howell, Kiegerl, Kleeb, Knox, Landwehr, Mast, McLean, Meigs, Mesa, Montgomery, O'Brien, O'Hara, Otto, Patton, Peck, Rhoades, Rubin, Ryckman, Scapa, Schwab, Siegfried, Smith, Suellentrop, Vickrey, Weber, Wetta and B. Wolf

2-8

1 AN ACT concerning abortion; relating to restrictions on late term
2 abortions; amending K.S.A. 65-445 and repealing the existing section.
3

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

5 New Section 1. The legislature hereby find, and declares that:

6 (a) Pain receptors (nociceptors) are present throughout the unborn
7 child's entire body by no later than 16 weeks after fertilization and nerves
8 link these receptors to the brain's thalamus and subcortical plate by no
9 later than 20 weeks;

10 (b) by eight weeks after fertilization, the unborn child reacts to
11 stimuli that would be recognized as painful if applied to an adult human,
12 for example, by recoiling;

13 (c) in the unborn child, application of such painful stimuli is
14 associated with significant increases in stress hormones known as the
15 stress response;

16 (d) subjection to such painful stimuli is associated with long-term
17 harmful neurodevelopmental effects, such as altered pain sensitivity and,
18 possibly, emotional, behavioral and learning disabilities later in life;

19 (e) for the purposes of surgery on unborn children, fetal anesthesia is
20 routinely administered and is associated with a decrease in stress
21 hormones compared to their level when painful stimuli is applied without
22 such anesthesia;

23 (f) the position, asserted by some medical experts, that the unborn
24 child is incapable of experiencing pain until a point later in pregnancy
25 than 20 weeks after fertilization predominately rests on the assumption
26 that the ability to experience pain depends on the cerebral cortex and
27 requires nerve connections between the thalamus and the cortex.
However, recent medical research and analysis, especially since 2007,

Balloon Amendments

Prepared by: Jason B. Long

H:\StaffDocs\Jason\AHB 2218 (Fetal pain)\Balloon amendment.odt

SB 35

House Fed & State Affairs

Date: 3.27.11

Attachment 1

, the unborn child reacts to touch. By 20 weeks after fertilization

I move to amend **HB 2337**, as amended by House Committee, on page 11, in line 6, by striking all after "(a)"; by striking all in line 7; in line 8, by striking all before the period and inserting "No abortion shall be performed or induced by any person other than a physician licensed to practice medicine in the state of Kansas"; in line 10, by striking "by or"

District.

Attachment 2