

SESSION OF 2009

**SUPPLEMENTAL NOTE ON
HOUSE SUBSTITUTE FOR SENATE BILL NO. 238**

As Recommended by House Committee on
Federal and State Affairs

Brief*

House Sub. for SB 238 would make several changes to the Woman's Right to Know Act, which requires certain information to be provided to a woman in order for a physician to obtain voluntary and informed consent prior to the performance of an abortion. The bill would add:

- A new requirement that any physician performing an abortion must determine if a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman. Documentation of the physician's certification for an abortion would be required to be retained for at least 10 years. Physicians would be required to provide written contact information for free counseling assistance for medically challenging pregnancies and for free perinatal hospice services. Physicians would be required to meet with each woman at least 30 minutes prior to an abortion to answer questions and provide information about the abortion.
- Additional requirements that any physician performing an abortion, who uses ultrasound equipment in preparation for abortions, must at least 30 minutes before the procedure inform the woman that she has the right to view the ultrasound and receive a picture of the ultrasound at no additional expense to her; to offer the woman the opportunity to view the ultrasound and receive a picture; to

*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>

certify in writing that the woman was offered the opportunity to view the ultrasound and receive a picture 30 minutes before the abortion; and to obtain the woman's signed acceptance or rejection of the opportunity to view the ultrasound or receive a picture. Also, any physician who uses heart monitoring equipment in preparation for abortions would be required at least 30 minutes before the procedure to inform the woman that she has the right to listen to the unborn child's heartbeat at no additional expense to her; to offer the woman the opportunity to listen to the heartbeat; to certify in writing that the woman was offered the opportunity to listen to the heartbeat 30 minutes before the abortion; and to obtain the woman's signed acceptance or rejection of the opportunity to listen to the heartbeat.

- Requirements that facilities in which abortions are performed to conspicuously post signs stating the rights of women regarding abortions, except the provision would not apply to facilities which perform abortions only when necessary to prevent the death of a pregnant woman.
- A requirement that KDHE produce a standardized video that includes all information that is available to women under the Women's Right to Know Act. The video would be required to be available in digital video disc (DVD) format. Additionally, all information, including printed and video materials, would be required to be available in both English and Spanish versions and to be available on-line on KDHE's website.

Background

Proponents included the bill's principal sponsor, Representative Lance Kinzer, as well as representatives of the Abortion Recovery Center, Caring Pregnancy Options, Alexandra's House, Kansans' for Life, Women's Right to Know and See, and individuals testifying on behalf of themselves. Opponents included representatives of the Women's Health

Care Services, Aid for Women, and Planned Parenthood of Kansas and Mid-Missouri.

The House Committee on Federal and State Affairs first amended HB 2076 as introduced (which is the underlying bill) to add language that the term “medically challenging pregnancy” means a pregnancy where the fetus is diagnosed as having either a severe anomaly or an illness, disease or defect which will be fatal. Next, the Committee deleted provisions in 2009 SB 238, as passed by the Senate, and added HB 2076, as amended, to the Senate bill.

In the fiscal note for the bill as introduced, KDHE estimates additional expenditures totaling \$182,637 from the State General Fund in FY 2010. Of this amount, \$34,500 would be for postage costs to mail 5,000 DVDs and reprinted Women’s Right to Know materials; \$15,137 would be used to reprint the materials; and, \$133,000 would be for professional service expenses related to video production. The agency also estimates that \$6,500 in out-year postage costs would be needed. This estimate assumes that 1,000 DVDs would be mailed in FY 2011 and FY 2012.