

SESSION OF 2010

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2115**

As Agreed to March 29, 2010

**Brief\***

Senate Sub. for HB 2115, as amended, would revise current law regarding late-term abortions. The Kansas Department of Health and Environment (KDHE) would be required to adopt new rules and regulations to collect certain information from physicians who perform abortions and to publish certain data annually. The Board of Healing Arts also would have additional duties. The changes to current law would be as follows:

- Reporting requirements for physicians performing late-term abortions would require noting the specific medical diagnosis and condition constituting a substantial and irreversible impairment of a major bodily function of the mother, or the medical diagnosis and condition which necessitated an abortion.
- In addition, a sworn statement by the physician and the referring physician would be required indicating that there is no legal or financial affiliation between them.
- KDHE would be required to adopt rules and regulations related to any changes in reporting requirements and what information is required to be retained and reports to be submitted by physicians performing abortions. KDHE also would be required to include any new information in its annual public report on abortions performed in Kansas.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/klrd>

- The Board of Healing Arts would be required to revoke a physician's license following the conviction of any misdemeanor under KSA 65-6703 occurring after July 1, 2010, unless a two-thirds majority of the Board determines that such licensee would not pose a threat to the public.
- The Board of Healing Arts would be authorized to reinstate or issue a new a physician's license after a misdemeanor conviction, if a two-thirds majority of the Board agrees that the person has been rehabilitated.
- The definition of what constitutes the viability of a fetus would be changed in KSA 65-6701 to match the definition used in another section of law.
- A new requirement that the referring physician must be licensed in Kansas would be added.
- Except in the case of a medical emergency, both the referring physician and the physician performing an abortion must provided written determination that would be required to be provided to the pregnant woman at least 30 minutes prior to the time scheduled for the abortion procedure.
- Written determination would be required to include specific information mandated by the new provisions that the bill adds in KSA 65-6703.
- Additional reporting requirements would be added for physicians who perform abortions.
- The husband of the pregnant woman who has a late-term abortion, or the parents or guardians of the woman, if she is under the age of 18, could file a civil action against the physician performing a late-term abortion.
- Physician protection in KSA 65-6713 from tort actions involving failure to obtain informed consent would be repealed.

## **Conference Committee Action**

The Conference Committee inserted some of the provisions from 2009 HB 2206 as amended by the House Committee of the Whole and deleted the contents added by the Senate in Sub. for HB 2115. The Conference Committee also added language about reinstatement after a misdemeanor conviction not addressed in the current law which refers only to reinstatement after felony convictions.

## **Background**

Proponents for HB 2206, which as introduced concerned late-term abortions, included Representative Lance Kinzer, representatives from the Kansas Catholic Conference, Kansans for Life, Concerned Women for America of Kansas, and an individual citizen. Opponents included representatives of the Women's Health Care Services, ProKanDo, and Planned Parenthood of Kansas and Mid-Missouri.

A House floor amendment to HB 2206 inserted additional language regarding information to be provided at least 24 hours in advance of an abortion, and documentation to be provided by both physicians who are involved with a late-term abortion.

The Kansas Department of Health and Environment estimates increased State General Fund expenditures of \$104,700 in FY 2010 for altering the online reporting system, medical consultation regarding the interpretation of new reporting requirements, and costs for an attorney to write rules and regulations and establish procedures.

The original 2009 HB 2115 passed by the House would have repealed KSA 21-4211, which required an individual to surrender a multi-party line in the event of an emergency, required telephone companies to publish this requirement in their directories, and established a violation of the statute as a Class C misdemeanor.

Senate Sub. for HB 2115 also would have repealed KSA 21-4211, which required an individual to surrender a multi-party line in the event of an emergency, required telephone companies to publish this requirement in their directories, and established a violation of the statute as a Class C misdemeanor.

In addition, Senate Sub. for HB 2115 as passed by the Senate would have amended the Underground Utility Damage Prevention Act by modifying several provisions of the amendments made to the Act by 2008 HB 2637, which were scheduled to take effect July 1, 2009. This content also was in SB 58 as passed by the Senate in 2009.

Late-Term Abortion