

SESSION OF 2023

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 297**

As Recommended by Senate Committee on  
Public Health and Welfare

**Brief\***

SB 297 would amend the definition of abortion and would adopt the definition of abortion uniformly for statutes pertaining to insurance coverage for elective abortions, abortion facility licensure, abortion of a pain-capable unborn child, the Kansas Unborn Child Protection from Dismemberment Abortion Act, and general abortion statutes addressing viability, restrictions and prohibitions, and information to be provided. The bill would clarify certain medical procedures and the prescription, dispensing, administration, sale, or use of any method of contraception would not to be considered an abortion.

***Definitions***

The bill would define "abortion" in multiple statutes to be the same as in KSA 65-6701, a public health statute, which the bill would amend to "the use or prescription of any instrument, medicine, drug, or any other mean to terminate the pregnancy of a woman knowing that such termination will, with reasonable likelihood, result in the death of an unborn child."

The bill also would replace the definition of "medical emergency" in several statutes with a reference to the definition in KSA 65-6701.

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\*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>

### *Exemptions to Abortion*

The bill would add to the definition of abortion that the use or prescription of any instrument, medicine, drug, or any other means to terminate the pregnancy of a woman would not mean an “abortion” when done with the intent to:

- Preserve the life or health of the unborn child;
- Increase the probability of a live birth;
- Remove a dead unborn child who died as a result of natural causes *in utero*, accidental trauma, or a criminal assault on the pregnant woman or the unborn child; or
- Remove an ectopic pregnancy.

The bill would affirmatively state that “abortion” would not include the prescription, dispensing, administration, sale, or use of any method of contraception.

The bill would make technical amendments to ensure consistency in statutory phrasing.

### **Background**

The bill was introduced by the Senate Committee on Federal and State Affairs at the request of Senator Erickson.

### ***Senate Committee on Public Health and Welfare***

In the Senate Committee hearing on March 20, 2023, **proponent** testimony was provided by a representative of Kansas Family Voice, who generally stated the bill would ensure women receive the health care needed when pregnant.

Written-only proponent testimony was provided by Representative Humphries and representatives of Kansas Catholic Conference and Kansans for Life.

No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas State Board of Healing Arts states that enactment of the bill could result in actionable complaints, but the fiscal effect cannot be estimated. The agency anticipates that it would handle any additional workload within existing resources. The Office of Judicial Administration reports that enactment of the bill would have a negligible effect on expenditures and revenues for the Judicial Branch. The Office of the Attorney General states that, like any law, the measure could be challenged in state or federal court, and such challenges could span several levels of appeal over the course of multiple fiscal years. The agency is unable to estimate a fiscal effect as there is no way to determine whether there would be challenges to the law, or the success or failure of efforts to defend the law.

According to the Board of Nursing, Kansas Insurance Department, Kansas Department of Health and Environment, and Behavioral Sciences Regulatory Board, enactment of the bill would not result in a fiscal effect on the operations of any of the respective agencies. Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Abortion; dismemberment abortion; medical emergency; women's health care; contraception