

HOUSE BILL No. 2635

By Committee on Federal and State Affairs

Requested by Jeanne Gawdun on behalf of Kansans for Life

2-2

1 AN ACT concerning healthcare; enacting the pregnancy center autonomy
2 and rights of expression act; providing statutory protection for private,
3 nonprofit pregnancy centers and medical pregnancy centers to provide
4 life-affirming care, support and material resources; creating a private
5 cause of action for violations of the act; creating a right of intervention
6 in legal proceedings challenging the act.
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8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. The provisions of sections 1 through 7, and amendments
10 thereto, shall be known and may be cited as the pregnancy center
11 autonomy and rights of expression act.

12 Sec. 2. The legislature hereby finds and declares that:

13 (a) The life-affirming impact of pregnancy centers and medical
14 pregnancy centers on the women, men, children and the communities such
15 centers serve is considerable and growing;

16 (b) pregnancy centers serve women with integrity and compassion in
17 this state and across the United States;

18 (c) pregnancy centers provide comprehensive care to women and men
19 facing unexpected pregnancies, including resources to meet the physical,
20 psychological, emotional and spiritual needs of such individuals;

21 (d) pregnancy centers offer women free, confidential and
22 compassionate services, including pregnancy tests, peer counseling, 24-
23 hour telephone hotlines, childbirth and parenting classes, referrals to
24 community healthcare, adoption referrals and other support services;

25 (e) many medical pregnancy centers offer ultrasounds and other
26 medical services;

27 (f) pregnancy centers encourage women to make positive life choices
28 by equipping such women with complete and accurate information
29 regarding pregnancy options and the development of unborn children; and

30 (g) pregnancy centers provide important support and resources for
31 women who choose childbirth over abortion.

32 Sec. 3. As used in sections 1 through 7, and amendments thereto:

33 (a) "Abortion" means the same as defined in K.S.A. 65-6701, and
34 amendments thereto.

35 (b) (1) "Abortion-inducing drug" means any medicine, drug or any

1 other substance prescribed or dispensed with the intent of inducing an
2 abortion. "Abortion-inducing drug" includes the off-label use of drugs
3 known to have abortion-inducing properties that are prescribed specifically
4 with the intent of causing an abortion.

5 (2) "Abortion-inducing drug" does not include any drug that may be
6 known to cause an abortion but is prescribed for other medical indications.

7 (c) "Medical pregnancy center" means a private, nonprofit
8 organization that does not perform abortions, provide abortion-inducing
9 drugs or make referrals for abortions or abortion-inducing drugs and that:

10 (1) Promotes childbirth and alternatives to abortion;

11 (2) provides medical testing, medical counseling and medical care
12 and treatment related to pregnancy; and

13 (3) may provide resources, counseling, classes, referrals or
14 information related to pregnancy, childbearing, adoption and parenting to
15 women, children and families.

16 (d) "Pregnancy center" means a private nonprofit organization that
17 does not perform abortions, provide abortion-inducing drugs or make
18 referrals for abortions or abortion-inducing drugs and that promotes
19 childbirth and alternatives to abortion and provides women, children and
20 families with resources, counseling, classes, referrals or information
21 related to pregnancy, childbearing, adoption and parenting.

22 Sec. 4. No state agency, department, division, bureau, institution or
23 subdivision thereof, or any county, city or other political subdivision of
24 this state shall enact or adopt any law, ordinance, resolution, rule and
25 regulation, policy, procedure or any other similar measure that:

26 (a) Requires a pregnancy center or medical pregnancy center to offer
27 or perform abortions;

28 (b) requires a pregnancy center or medical pregnancy center to offer,
29 provide or distribute abortion-inducing drugs;

30 (c) requires a pregnancy center or medical pregnancy center to make
31 a referral for an abortion or an abortion-inducing drug;

32 (d) requires a pregnancy center or medical pregnancy center to to
33 counsel in favor of abortion or abortion-inducing drugs;

34 (e) requires a pregnancy center or medical pregnancy center to post
35 any advertisement, sign, flyer or similar material that promotes abortion or
36 abortion-inducing drugs or provides any information about obtaining an
37 abortion or abortion-inducing drugs;

38 (f) prohibits a pregnancy center or medical pregnancy center from
39 providing information, care, counseling, classes or other services related to
40 pregnancy, childbirth or parenting because the pregnancy center or medical
41 pregnancy center does not perform, refer or counsel in favor of abortion or
42 abortion-inducing drugs;

43 (g) prohibits a pregnancy center or medical pregnancy center from

1 providing prenatal and postnatal resources, including diapers, baby
2 clothes, baby furniture, formula and similar items because the pregnancy
3 center or medical pregnancy center does not perform, refer or counsel in
4 favor of abortion or abortion-inducing drugs;

5 (h) prohibits a medical pregnancy center from providing medical
6 testing, medical counseling and medical care or treatment related to
7 pregnancy or childbirth because the medical pregnancy center does not
8 perform, refer or counsel in favor of abortion or abortion-inducing drugs;

9 (i) prohibits a medical pregnancy center from counseling a woman on
10 any pregnancy-related care or treatment; and

11 (j) interferes with staffing or hiring decisions of a pregnancy center or
12 medical pregnancy center by requiring such center to interview, hire or
13 continue to employ any person who does not affirm the center's mission
14 statement or agree to comply with the center's pro-life ethic and operating
15 procedures.

16 Sec. 5. A pregnancy center, medical pregnancy center or any party
17 aggrieved by any violation of section 4, and amendments thereto, may
18 commence a civil action for damages, declaratory relief, injunctive relief
19 or any other appropriate relief. The prevailing party in any such action
20 may be awarded the costs of the action and reasonable attorney fees.

21 Sec. 6. The legislature may, by concurrent resolution, appoint one or
22 more members of the legislature to intervene as a matter of right in any
23 legal proceeding in which the constitutionality or enforceability of this act
24 is challenged. Such appointment shall remain effective in the event such
25 person ceases to be a member of the legislature.

26 Sec. 7. Sections 1 through 6, and amendments thereto, are declared
27 severable. Any provision of sections 1 through 6, and amendments thereto,
28 or the application thereof to any person or circumstance that is held to be
29 unconstitutional or invalid shall not affect the validity of any remaining
30 provisions of sections 1 through 6, and amendments thereto, or the
31 applicability of such provisions to any person or circumstance.

32 Sec. 8. This act shall take effect and be in force from and after its
33 publication in the statute book.