



KANSAS NOW

PO Box 1860
Wichita, KS 67201-1860

T 620 245 4904

coordinator@ksnow.org

www.ksnow.org

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To: Members of the House Judiciary Committee
FR: Kari Ann Rinker, M.P.A.
State Coordinator, Kansas NOW
RE: HB 2523, Opponent Testimony

Kansas NOW submits this testimony in strong opposition to HB 2523.

HB 2523 would amend K.S.A. 65-443 *Termination of human pregnancy; performance or participation in medical procedures not required*. There are currently four Kansas statutes in effect that provide religious conscience refusals for individual physicians, hospitals and pharmacists. These conscience refusals cover medication, abortion and sterilization.

- *The intent of HB 2523 is to expand conscience refusals to include common forms of contraception and would even be applied to emergency contraception for survivors of sexual assault.*

A common question one finds in one's legislative pursuits in Topeka is the question, "Why is this necessary?" or "What problem does this seek to fix?" These questions should rightfully be asked upon consideration of HB 2523....with four existing statutes relating to conscience refusals, where is the proven need for expansion?

HB 2523 seeks to amend an existing Kansas statute, changing its clear language relating to pregnancy termination and replacing it with vague language that encourages subjective interpretations allowing for "*an effect which the person reasonably believes may result in the termination of a pregnancy*".

- *HB 2523 intervenes in the doctor-patient relationship and acts as an invitation to practice medicine without a license.*

The language change in HB 2523, striking "*hospital*" and replacing with "*health care facility*" would expand the current hospital conscience refusal statute to include community health care centers and clinics.

- *K.S.A. 65-443 and K.S.A 65-444 were written with abortion in mind. HB 2523 would alter and expand to allow for the refusal of contraceptives to the women most in need of this care. This should not be considered germane to the original legislative intent of existing Kansas statutes.*

HB 2523 would have the effect of individual and institutional denial of the administration of emergency contraception and referral for victims of sexual assault. The application of a state sanctioned “institutional conscience” or an individual conscience upon Kansas’ most vulnerable women facing possible pregnancy from a sexual assault allows medical providers to “opt out” of a necessary element of compassionate care for female survivors of rape. It is the job of the government to protect these women.

- *EC refusals for victims of sexual assault will cause an increase to the number of abortions in Kansas.*

Expansion of the conscience refusal law will cause an additional burden to the women of rural Kansas. The women of rural Kansas already face potential challenges to accessing their prescriptions due to K.S.A. 65-1637, which allows individual pharmacists to refuse to fill or refill any prescription in their “professional judgment and discretion”. Kansas has 31 counties with one pharmacy and 6 counties with no pharmacy. This creates a burden on women who live in these counties who seek contraceptive care, especially when a they are refused service for reasons of “conscience”. Denying a woman her right to basic preventive health care is a violation of her human rights and dignity.

- *HB 2523 would expand the already existing burden placed upon rural Kansas women in need of contraceptive care by creating another avenue for contraceptive discrimination.*

The American Public Health Association deems refusal clauses as being appropriate only if they provide an adequate plan for referral and do not disrupt or obstruct a patient’s access to care.

- *HB 2523 does not allow for an adequate plan for referral. Instead, it intentionally includes language that would allow for the absolute denial of a referral, leaving women in need of health care without any medical advice or direction.*

The existing statutes 65-443, 65-444, 65-1637 and 65-446 remain beyond sufficient for the protection of the rights of conscience for individuals and hospitals. An expansion of 65-443 to include many common forms birth control is out of touch with the consciences of mainstream Kansans.

- *Overall, 62% of the 62 million women aged 15–44 are currently using a method (of contraception).*
- *Seven in 10 women of reproductive age (43 million women) are sexually active and do not want to become pregnant, but could become pregnant if they and their partners fail to use a contraceptive method.*
- *Of the 2.9 million teenage women who use contraceptives, 54%—more than 1.5 million women—rely on the pill.*

Kansas NOW asks the House Judiciary Committee to not infringe upon the individual consciences of women through the passage of HB 2523.