

Rep Brunk

Session of 2012

HOUSE BILL No. 2598

By Committee on Federal and State Affairs

2-1

1 AN ACT concerning abortion; relating to restrictions on late term
2 abortions; relating to the woman's-right-to-know act; creating the no
3 taxpayer funding for abortion act; amending K.S.A. 60-1901 and
4 K.S.A. 2011 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 79-
5 32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and
6 repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-
7 3606g.
8
9 *Be it enacted by the Legislature of the State of Kansas:*
10 New Section 1. (a) Sections 1 through 7, and amendments thereto,
11 shall be known and may be cited as the no taxpayer funding for abortion
12 act.
13 (b) As used in this act:
14 (1) "Abortion" has the same meaning as such term is defined in
15 K.S.A. 65-6701, and amendments thereto.
16 (2) "Health benefit plan" means any hospital or medical expense
17 policy, health, hospital or medical services corporation contract, and a plan
18 provided by a municipal group-funded pool, or a health maintenance
19 organization contract offered by any employer or any certificate issued
20 under any such policy, contract or plan.
21 (3) "Health care entity" means an individual physician or other health
22 care professional, a hospital, a provider-sponsored organization, a health
23 maintenance organization or any other health care facility or organization.
24 (4) "State agency" has the same meaning as such term is defined in
25 K.S.A. 75-3701, and amendments thereto.
26 New Sec. 2. Except to the extent required by federal law:
27 (a) No moneys appropriated from the state general fund or from any
28 special revenue fund shall be expended for any abortion;
29 (b) no tax credit shall be allowed against any income tax, premium or
30 privilege tax liability and no exemption shall be granted from sales or
31 compensating use tax for that portion of such amounts paid or incurred for
32 an abortion, or that portion of such amounts paid or incurred for a health
33 benefit plan, including premium assistance, for the purchase of an optional
34 rider for coverage of abortion in accordance with K.S.A. 2011 Supp. 40-
35 2,190, and amendments thereto;
36 (c) in the case of any tax-preferred trust or account, the purpose of

House Federal & State Affairs

Date: 3-15-12

Attachment # 2

1 picture of the ultrasound image, at no additional expense to her;

2 (3) offers the woman the opportunity to view the ultrasound image
3 and receive a physical picture of the ultrasound image;

4 (4) certifies in writing that the woman was offered the opportunity to
5 view the ultrasound image and receive a physical picture of the ultrasound
6 image at least 30 minutes prior to the performance of the abortion; and

7 (5) obtains the woman's signed acceptance or rejection of the
8 opportunity to view the ultrasound image and receive a physical picture of
9 the ultrasound image.

10 If the woman accepts the offer and requests to view the ultrasound
11 image, receive a physical picture of the ultrasound image or both, her
12 request shall be granted by the physician at no additional expense to the
13 woman. The physician's certification shall be time-stamped at the time the
14 opportunity to view the ultrasound image and receive a physical picture of
15 the ultrasound image was offered.

16 (1) A physician who will use heart monitor equipment preparatory to
17 or in the performance of the abortion, at least 30 minutes prior to the
18 performance of the abortion.

19 (1) Informs the woman that she has the right to listen to the heartbeat
20 of her unborn child, at no additional expense to her;

21 (2) offers the woman the opportunity to listen to the heartbeat of her
22 unborn child;

23 (3) certifies in writing that the woman was offered the opportunity to
24 listen to the heartbeat of her unborn child at least 30 minutes prior to the
25 performance of the abortion; and

26 (4) obtains the woman's signed acceptance or rejection of the
27 opportunity to listen to the heartbeat of her unborn child.

28 If the woman accepts the offer and requests to listen to the heartbeat of
29 her unborn child, her request shall be granted by the physician at no
30 additional expense to the woman. The physician's certification shall be
31 time-stamped at the time the opportunity to listen to the heartbeat of her
32 unborn child was offered.

33 ~~(j) (1) Prior to a woman giving informed consent to having any part
34 of an abortion performed or induced, if the pregnancy is at least 10 weeks
35 from the first day of the last menstrual period, the abortion provider who
36 is to perform or induce the abortion, a certified technician or another
37 agent of the abortion provider shall, using a hand-held doppler fetal
38 monitor, make the embryonic or fetal heartbeat of the unborn child audible
39 for the pregnant woman to hear.~~

40 ~~(2) An abortion provider, a certified technician or another agent of
41 the abortion provider shall not be in violation of this subsection if:~~

42 ~~(A) The provider, certified technician or agent has attempted,
43 consistent with standard medical practice, to make the embryonic or fetal~~

Strike

1 ~~heartbeat of the unborn child audible for the pregnant woman to hear~~
2 ~~using a hand-held doppler-fetal monitor;~~

3 ~~(B) the attempt does not result in the heartbeat being made audible;~~
4 ~~and~~

5 ~~(C) the provider offers to attempt to make the heartbeat audible at a~~
6 ~~subsequent date.~~

7 ~~(3) Nothing in this subsection shall be construed to require the~~
8 ~~pregnant woman to listen to the sounds detected by the hand-held doppler-~~
9 ~~fetal monitor pursuant to paragraph (1).~~

10 ~~(f) (k) The physician's certification required by subsections (h) and (i)~~
11 ~~together with the pregnant woman's signed acceptance or rejection of such~~
12 ~~offer shall be placed in the woman's medical file in the physician's office~~
13 ~~and kept for 10 years. However, in the case of a minor, the physician shall~~
14 ~~keep a copy of the certification and the signed acceptance or rejection in~~
15 ~~the minor's medical file for five years past the minor's majority, but in no~~
16 ~~event less than 10 years.~~

17 ~~(A) (l) Any private office, freestanding surgical outpatient clinic or~~
18 ~~other facility or clinic in which abortions are performed shall~~
19 ~~conspicuously post a sign in a location so as to be clearly visible to~~
20 ~~patients. The sign required pursuant to this subsection shall be printed with~~
21 ~~lettering that is legible and shall be at least three quarters of an inch~~
22 ~~boldfaced type which reads: The sign shall include the address for the~~
23 ~~pregnancy resources website published and maintained by the department~~
24 ~~of health and environment, and the following text:~~

25 Notice: It is against the law for anyone, regardless of their relationship
26 to you, to force you to have an abortion. By law, we cannot perform an
27 abortion on you unless we have your freely given and voluntary consent. It
28 is against the law to perform an abortion on you against your will. You
29 have the right to contact any local or state law enforcement agency to
30 receive protection from any actual or threatened physical abuse or
31 violence. You have the right to change your mind at any time prior to the
32 actual abortion and request that the abortion procedure cease. It is
33 unlawful for anyone to make you have an abortion against your will, even
34 if you are a minor. The father of your child must provide support for the
35 child, even if he has offered to pay for an abortion. If you decide not to
36 have an abortion you may qualify for financial help for pregnancy, child
37 birth and newborn care. If you qualify, medicaid will pay or help pay the
38 cost of doctor, clinic hospital and other related medical expenses,
39 including child birth delivery services and care for your newborn baby.
40 Many agencies are willing to provide assistance so that you may carry
41 your child to term, and to assist after your child's birth.

42 The provisions of this subsection shall not apply to any private office,
43 freestanding surgical outpatient clinic or other facility or clinic which

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And by redesignating subsections accordingly.