

HOUSE BILL No. 2598

By Committee on Federal and State Affairs

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Proposed Amendments to HB 2598
March 15, 2012
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Office of Revisor of Statutes

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 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) Sections 1 through 7, and amendments thereto,
10 shall be known and may be cited as the no taxpayer funding for abortion
11 act.

12 (b) As used in this act:

13 (1) "Abortion" has the same meaning as such term is defined in
14 K.S.A. 65-6701, and amendments thereto.

15 (2) "Health benefit plan" means any hospital or medical expense
16 policy, health, hospital or medical services corporation contract, and a plan
17 provided by a municipal group-funded pool, or a health maintenance
18 organization contract offered by any employer or any certificate issued
19 under any such policy, contract or plan.

20 (3) "Health care entity" means an individual physician or other health
21 care professional, a hospital, a provider-sponsored organization, a health
22 maintenance organization or any other health care facility or organization.

23 (4) "State agency" has the same meaning as such term is defined in
24 K.S.A. 75-3701, and amendments thereto.

25 New Sec. 2. Except to the extent required by federal law:

26 (a) No moneys appropriated from the state general fund or from any
27 special revenue fund shall be expended for any abortion;

28 (b) no tax credit shall be allowed against any income tax, premium or
29 privilege tax liability and no exemption shall be granted from sales or
30 compensating use tax for that portion of such amounts paid or incurred for
31 an abortion, or that portion of such amounts paid or incurred for a health
32 benefit plan, including premium assistance, for the purchase of an optional
33 rider for coverage of abortion in accordance with K.S.A. 2011 Supp. 40-
34 2,190, and amendments thereto;

35 (c) in the case of any tax-preferred trust or account, the purpose of
36

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1 which is to pay medical expenses of the account beneficiary, any amount
2 paid or distributed from such an account for an abortion shall be included
3 in the gross income of such beneficiary; and

4 (d) no health care services provided by any state agency, or any
5 employee of a state agency while acting within the scope of such
6 employee's employment, shall include abortion.

7 New Sec. 3. Nothing in sections 1 through 7, and amendments
8 thereto, shall repeal, amend or have any effect on any other state law to the
9 extent such law imposes any limitation on the use of funds for abortion,
10 more restrictive than the limitations set forth in sections 1 through 7, and
11 amendments thereto.

12 New Sec. 4. Nothing in sections 1 through 7, and amendments
13 thereto, shall be construed:

14 (a) To require any state agency or municipality to provide or pay for
15 any abortion; or

16 (b) as creating or recognizing a right to abortion.

17 New Sec. 5. No state agency shall discriminate against any individual
18 or institutional health care entity on the basis that such health care entity
19 does not provide, pay for or refer for abortions.

20 New Sec. 6. The limitations set forth in sections 1 through 7, and
21 amendments thereto, shall not apply to an abortion which is necessary to
22 preserve the life of the pregnant woman.

23 New Sec. 7. The provisions of sections 1 through 7, and amendments
24 thereto, are declared to be severable, and if any provision, or the
25 application thereof, to any person shall be held invalid, such invalidity
26 shall not affect the validity of the remaining provisions of sections 1
27 through 7, and amendments thereto.

28 New Sec. 8. (a) No person shall perform an abortion with
29 knowledge that the pregnant woman is seeking the abortion solely on
30 account of the sex of the unborn child.

31 (b) (1) A woman upon whom an abortion is performed or induced, or
32 upon whom there is an attempt to perform or induce an abortion, in
33 violation of this section, the father, if married to the woman at the time of
34 the abortion, and the parents or custodial guardian of the woman, if the
35 woman has not attained the age of 18 years at the time of the abortion,
36 may in a civil action obtain appropriate relief, unless, in a case where the
37 plaintiff is not the woman upon whom the abortion was performed, the
38 pregnancy resulted from the plaintiff's criminal conduct.

39 (2) Such relief shall include:

40 (A) Money damages for all injuries, psychological and physical,
41 occasioned by the violation of this section;

42 (B) statutory damages equal to three times the cost of the abortion;
43 and

Nothing in this subsection shall be construed to prevent a physician enrolled in a residency program and employed by the University of Kansas Medical Center from receiving experience with induced abortions conducted at facilities other than those owned, leased or operated by the University of Kansas hospital authority or any other state entity. Such physicians shall be considered as acting outside the scope of their official employment in such actions. This provision regarding physicians enrolled in a residency program shall remain in effect through June 30, 2013.

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