

# **NOW PRESUMED UNCONSTITUTIONAL:**

## **Kansas Laws Regulating Abortion, Passed with Bipartisan Support**

**1997**

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- 1) SB 204: “Woman’s Right to Know” informed consent law includes 24-hour waiting period, KDHE-issued medical information about abortion methods, risks, and alternatives, pre-natal development, and county-by-county listing of resources available to women who are pregnant. *Bill was opposed by the abortion industry.* Pro-life and pro-choice legislators worked together to develop the WRTK informed consent materials. **Senate: 36-0; House: 118-0**
- 2) HB 2181: Cancer registry, including assessing the cancer risk of abortion. **Senate: 39-1; House: 94-29**

**1998**

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- 3) HB 2531: Ban on late-term and partial-birth abortions. *Abortion industry opposed the bill.* **Senate: 27-12; House: 78-45**

**2000**

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- 4) S Sub HB 2007: Governs the handling and associated costs of fetal organs and tissue, bars inducing an abortion to directly procure such tissue. **Senate: 40-0; House: 125-0**

**2004**

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- 5) S Sub HB 2647: Budget provision excludes abortion and human embryo destruction from state bioscience research and business. **Senate: 38-2; House: 121-2**

**2005**

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- 6) HB 2380: Child Rape Protection Act requires clinics to send fetal tissue samples from abortions on minors to the KBI to retain fetal DNA evidence for possible rape prosecutions. **Senate: 29-9; House: 89-35**

**2007**

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- 7) HB 2062: Alexa’s Law allows for criminal prosecution for both victims (baby and mother) when a pregnant woman is injured/killed during a crime and her unborn child is injured/killed. **Senate: 26-14; House: 97-27**

**2009**

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- 8) H Sub SB 238: “Woman’s Right to Know & See” includes option to view and receive copy of sonogram; adds state online information using 4-D ultrasound videos; and detailed list of pregnancy assistance centers. *Opponents included Aid for Women abortion facility and Planned Parenthood.* **Senate: 32-6; House: 85-37**

## 2011

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- 9) HB 2035: Establishes two-parent consent for abortions on minors, with exceptions, strengthens parental waiver (judicial bypass) to include psych evaluation of minor and makes judge a mandatory abuse reporter, ends loopholes with “mental health” abortions after viability. *Opponents included Kansas NOW, Planned Parenthood, and Trust Women.* **Senate: 24-15; House: 100-22**
- 10) HB 2218: Pain-capable Unborn Child Protection Act bans abortions at 22 weeks gestation (20 weeks post conception), with limited exceptions. *Opponents included Kansas NOW, Planned Parenthood, and Trust Women.* **Senate: 24-15; House: 94-28**
- 11) H Sub SB 36: Abortion clinic licensing and inspection. KDHE to regulate facilities with surprise inspections, reports of complications and deaths; all abortions be done by Kansas-licensed physician with hospital privileges within 30 miles of clinic, bans “webcam” abortions. *Opponents included Planned Parenthood and Trust Women.* **Senate: 24-15; House: 97-26** *UPDATE: Abortion providers Hodes & Nausser, and Planned Parenthood and Aid for Women abortion facilities sued. PP and AFW later dropped their lawsuits. Law not yet in effect due to court order and stalling by a now-retired district judge.*
- 12) HB 2075: Bans private insurance coverage for elective abortion without rider and bans abortion coverage in any Kansas insurance health exchanges. Abortion industry sued the law, but it was upheld. **Senate: 28-10; House: 86-30**
- 13) S Sub HB 2014: Budget provision effectively steers Title X federal grants from use by Planned Parenthood by prioritizing recipients that are full-service public clinics and hospitals. *Planned Parenthood sued the law. It was not in effect until 2014, after the state won a legal challenge at the federal appeals level.* **Senate: 28-11; House: 69-55**

## 2012

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- 14) H Sub SB 62: Healthcare Rights of Conscience Act for medical professionals and facilities, upgrades state protection from job loss and litigation for refusal to perform or refer for abortions. *Opponents included Trust Women, Planned Parenthood, Kansas NOW, and the ACLU.* **Senate: 23-16; House: 95-29**
- 15) H Sub SB 294: Tax funded abortion training banned at the University of Kansas Medical Center as budget provision. Later secured in law in the Pro-Life Protections Act of 2013. **Senate: 22-13; House: 80-35**

## 2013

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- 16) HB 2253: Pro-Life Protections Act prohibits tax-payer funding of abortion, bans sex selective abortions; KDHE informed consent protocol locked into statute; strengthens anti-coercion warnings inside clinics. *Opponents included Trust Women, South Wind and Planned Parenthood abortion facilities, Mainstream Coalition, and Kansas NOW.* **Senate: 28-10; House: 90-30** *UPDATE: Abortionists Hodes & Nausser sued the law. It was not enjoined, and the lawsuit was eventually dismissed.*
- 17) SB 142: Civil rights for unborn bans wrongful birth/wrongful life lawsuits and expands applicability to entire gestation. *Opponents included Kansas NOW and the ACLU.* **Senate: 34-5; House: 89-33**

## 2014

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- 18) SB 54: Amends abortion statutes on medical emergency definition and clarifies KDHE weblink to pre-abortion informed consent. *Abortionist providers Hodes and Nauser, who sued the 2011 clinic licensing law, had sought this clarification, and the challenge to these specific provisions was dropped after passage of SB 54.* **Senate: 34-6; House: 112-11**

## 2015

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- 19) SB 95: Live Dismemberment Abortion Ban. *Opponents included abortion providers Hodes & Nauser, Planned Parenthood, Trust Women, South Wind abortion facility, and the ACLU.* **Senate: 31-9; House: 98-26** *UPDATE: Law was sued by Hodes & Nauser and held under temporary injunction, upheld by Kansas Court of Appeals. In 2019, the Kansas Supreme Court issued a decision that found a right to abortion in the state Constitution and sent the case back to District Court for review using strict scrutiny standard. In 2021, the Shawnee County District court declared the law unconstitutional under the new strict scrutiny standard, becoming the first Kansas law that regulates abortion to fall in the new legal landscape. It is considered the first of many in a state with unregulated, unrestricted abortion without a Constitutional amendment to preserve the existing laws.*
- 20) S Sub HB 2228: Clarifies hospital protocol of abortion drugs, to allow webcam abortion provision to go into effect during litigation of H Sub SB 6 from 2011. **Senate: 39-0; House: 109-2** *UPDATE: In ruling on telemedicine lawsuit on December 31, 2018, the district judge stated his 2011 injunction extends to 2015 law. On February 1, 2019, KS Attorney General filed an appeal against that decision, as S Sub HB 2228 has never been sued.*

## 2016

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- 21) HB 2615: performing/inducing abortions not allowed for nurse-midwives practicing independently of physician. **Senate: 40-0; House: 115-7**

## 2017

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- 22) SB 83: Disclose Act requires abortion clinics to include the following as part of informed consent: abortion provider's state of residence, year medical degree obtained, any negative actions by the state Board of Healing Arts, when employment at the clinic began, status of local hospital admitting privileges, and malpractice insurance. *Opponents included Planned Parenthood, Trust Women, South Wind abortion facility, and the ACLU.* **Senate: 25-15; House: 84-38**

## 2018

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- 23) S Sub HB 2028: Kansas Telemedicine Act includes prohibition against providing abortions by telemedicine with a non-severability clause. *Opponents included Mainstream Coalition, Planned Parenthood, and Trust Women.* **Senate: 32-6; House: 107-13** *UPDATE: Trust Women sued the webcam abortion provision. Shawnee County district court judge dismissed lawsuit—said plaintiffs sued wrong law—and claimed his 2011 injunction against webcam abortions extended to 2015 law. Attorney General appealed judge's contention that 2015 law was enjoined when it had never been sued.*

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**All laws listed above that regulate or limit the activities of the abortion industry are now presumed unconstitutional. While most Kansans do not yet realize it, we have become one of the most permissive states for abortion in the nation, next to New York, Colorado and California, unless Kansas voters pass the Value Them Both Amendment.**

## 2021

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In January 2021, the Value Them Both Amendment passes the Kansas House and Senate with supermajorities under the leadership of women legislators, making the first step toward a constitutional amendment to allow voters to determine whether Kansas will be a state with or without limits on the abortion industry. **Senate: 28; House: 86-38**

## 2022

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Kansas voters will decide the fate of over 20 existing Kansas laws at the ballot box, August 2, 2022. If passed, the amendment will preserve existing Kansas laws that provide commonsense protections for women and babies.