

As Amended by House Committee

Session of 2024

HOUSE BILL No. 2749

By Committee on Health and Human Services

Requested by Representative Bryce on behalf of Kansans for Life

2-7

1 AN ACT concerning abortion; relating to reports on abortions performed  
2 in this state; requiring the reporting of the reasons for each abortion  
3 performed at a medical care facility or by a healthcare provider;  
4 amending K.S.A. 2023 Supp. 65-445 and repealing the existing section.  
5

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

7 Section 1. K.S.A. 2023 Supp. 65-445 is hereby amended to read as  
8 follows: 65-445. (a) Every medical care facility shall keep written records  
9 of all pregnancies that are lawfully terminated within such medical care  
10 facility and shall ~~annually~~ submit a written report thereon *biannually* to the  
11 secretary of health and environment in the manner and form prescribed by  
12 the secretary. Every person licensed to practice medicine and surgery shall  
13 keep a record of all pregnancies that are lawfully terminated by such  
14 person in a location other than a medical care facility and shall ~~annually~~  
15 submit a written report thereon *biannually* to the secretary of health and  
16 environment in the manner and form prescribed by the secretary.

17 (b) Each report required by this section shall include the number of  
18 pregnancies terminated during the period of time covered by the report, the  
19 type of medical facility ~~in which~~ **where** the pregnancy was terminated,  
20 information required to be reported under K.S.A. 65-6703(b) and (c), 65-  
21 6705(j), 65-6721(c) and 65-6724, and amendments thereto, if applicable to  
22 the pregnancy terminated, information required to be reported under  
23 K.S.A. 2023 Supp. 65-6758, and amendments thereto, and such other  
24 information as may be required by the secretary of health and  
25 environment, ~~but~~. The report shall not include the names of the persons  
26 whose pregnancies were so terminated or upon whom an attempted  
27 abortion was performed. Each report required by K.S.A. 65-6703(b) and  
28 (c), 65-6705(j) and 65-6721(c), and amendments thereto, shall specify the  
29 medical diagnosis and condition constituting a substantial and irreversible  
30 impairment of a major bodily function or the medical diagnosis and  
31 condition that necessitated performance of an abortion to preserve the life  
32 of the ~~pregnant woman~~ **patient**. Each report required by K.S.A. 65-6703,  
33 and amendments thereto, shall include a sworn statement by the physician  
34 performing the abortion and the referring physician that such physicians  
35 are not legally or financially affiliated.

1 (c) *Except in the case of a medical emergency, as defined in K.S.A.*  
 2 *65-6701, and amendments thereto, each ~~pregnant woman~~ **patient** shall be*  
 3 *asked, prior to the termination of such ~~woman's~~ **patient's** pregnancy,*  
 4 *which of the following reasons was the most important factor in such*  
 5 *~~woman's~~ **patient's** decision to seek an abortion ~~and, if more than one~~*  
 6 *reason was relevant, which was the second most important and which was*  
 7 *the third most important:*

8 (1) *Having a baby would interfere with the ~~woman's~~ **patient's***  
 9 *education, **employment or career**;*

10 (2) *having a baby would interfere with the ~~woman's~~ **patient's** employment or*  
 11 *career;*

12 (3) *the ~~woman~~ **patient** cannot afford provide for the child;*

13 (4) *the ~~woman~~ does not feel mature enough to raise a child or, if*  
 14 *applicable, an additional child;*

15 (5) *the ~~woman~~ **patient** already has enough, or too many, children;*

16 (6) *the ~~woman's~~ **patient's** husband or partner is abusive to such*  
 17 *~~woman~~ **patient** or such ~~woman's~~ **patient's** children;*

18 (7) *the ~~woman's~~ **patient's** husband or partner wants such ~~woman~~*  
 19 ***patient** to have an abortion;*

20 (8) *the ~~woman's~~ parent or parents want such woman to have an*  
 21 *abortion;*

22 (9) *the ~~woman~~ **patient** does not have enough support from family*  
 23 *or others to raise a child;*

24 (10) *the ~~woman~~ does not want others to know that such woman had*  
 25 *sexual intercourse or became pregnant;*

26 (11) *the ~~woman~~ fears that such woman would neglect or abuse an*  
 27 *unwanted child;*

28 (12) *the pregnancy is the result of rape;*

29 (13) *the pregnancy is the result of incest;*

30 (14) *the pregnancy threatens the ~~woman's~~ **patient's** physical*  
 31 *health;*

32 (15) *the pregnancy threatens the ~~woman's~~ **patient's** mental or*  
 33 *emotional health; or*

34 (16) *the child would have a disability.*

35 *If the ~~woman~~ **patient** declines to answer, such response shall be*  
 36 *recorded.*

37 (d) *Each report required by this section shall include, for the period*  
 38 *of time covered by the report:*

39 (1) *The number of times each of the reasons listed in subsection (c)*  
 40 *was described as the most important, ~~the second most important and the~~*  
 41 *~~third most important~~; and*

42 (2) *the number of times a ~~pregnant woman~~ **patient** seeking an*  
 43 *abortion was asked about the reasons listed in subsection (c) and declined*

1 to answer.

2 (e) Each report required by this section shall include:

3 (1) The patient's age in years on the patient's last birthday;

4 (2) the patient's marital status at the time of the abortion;

5 (3) the state or United States territory of residence of the patient or, if  
6 the patient is not a resident of the United States, the patient's country of  
7 residence;

8 (4) the patient's race and, if applicable, the hispanic origin of the  
9 patient;

10 (5) the highest level of education completed by the patient;

11 (6) whether, in the 30 days prior to the abortion, the patient received  
12 services, financial assistance, excluding financial assistance in obtaining  
13 an abortion, or other assistance from a nonprofit organization that  
14 supports pregnant women;

15 (7) whether the patient reported having experienced domestic  
16 violence in the 12 months prior to the abortion;

17 (8) whether the patient is living in a place that the patient considers  
18 to be safe, stable and affordable;

19 (9) whether a report of physical, mental or emotional abuse or  
20 neglect was made pursuant to K.S.A. 38-2223, and amendments thereto,  
21 where the patient was the victim of such physical, mental or emotional  
22 abuse or neglect; and

23 (10) the method by which the abortion was performed on the patient.

24 (f) Information obtained by the secretary of health and environment  
25 under this section shall be confidential and shall not be disclosed in a  
26 manner that would reveal the identity of any person licensed to practice  
27 medicine and surgery who submits a report to the secretary under this  
28 section or the identity of any medical care facility that submits a report to  
29 the secretary under this section, except that such information, including  
30 information identifying such persons and facilities may be disclosed to the  
31 state board of healing arts upon request of the board for disciplinary action  
32 conducted by the board and may be disclosed to the attorney general or  
33 any district or county attorney in this state upon a showing that a  
34 reasonable cause exists to believe that a violation of this act has occurred.  
35 Any information disclosed to the state board of healing arts, the attorney  
36 general or any district or county attorney pursuant to this subsection shall  
37 be used solely for the purposes of a disciplinary action or criminal  
38 proceeding. Except as otherwise provided in this subsection, information  
39 obtained by the secretary under this section may be used only for statistical  
40 purposes and such information shall not be released in a manner that  
41 would identify any county or other area of this state in which the  
42 termination of the pregnancy occurred. A violation of this subsection—(e)  
43 (f) is a class A nonperson misdemeanor. The provisions of this subsection

1 shall expire on July 1, ~~2028~~ 2029, unless the legislature reviews and  
2 reenacts such provisions in accordance with K.S.A. 45-229, and  
3 amendments thereto, prior to July 1, ~~2028~~ 2029.

4 ~~(d)~~(g) In addition to such criminal penalty under subsection ~~(e)~~ (f),  
5 any person licensed to practice medicine and surgery or medical care  
6 facility whose identity is revealed in violation of this section may bring a  
7 civil action against the responsible person or persons for any damages to  
8 the person licensed to practice medicine and surgery or medical care  
9 facility caused by such violation.

10 ~~(e)~~(h) For the purpose of maintaining confidentiality as provided by  
11 subsections ~~(e)~~ (f) and ~~(d)~~ (g), reports required by this section shall identify  
12 the person or facility submitting such reports only by confidential code  
13 number assigned by the secretary of health and environment to such  
14 person or facility and the department of health and environment shall  
15 maintain such reports only by such number.

16 ~~(f)~~(i) The ~~annual~~ biannual public report on abortions performed in  
17 Kansas issued by the secretary of health and environment shall contain the  
18 information required to be reported by this section to the extent such  
19 information is not deemed confidential pursuant to this section. *Such*  
20 *biannual report shall be issued not later than 30 days after the end of the*  
21 *reporting period for the information contained in such report.* The  
22 secretary of health and environment shall adopt rules and regulations to  
23 implement this section. Such rules and regulations shall prescribe, in  
24 detail, the information required to be kept by the physicians and hospitals  
25 and the information required in the reports that must be submitted to the  
26 secretary.

27 ~~(g)~~(j) The Kansas department for children and families shall prepare  
28 and publish an annual report on the number of reports of child sexual  
29 abuse received by the department from abortion providers. Such report  
30 shall be categorized by the age of the victim and the month the report was  
31 submitted to the department. The name of the victim and any other  
32 identifying information shall be kept confidential by the department and  
33 shall not be released as part of the public report.

34 (k) *The provisions of this section are declared severable. If any*  
35 *provision, phrase or clause or the application thereof to any person or*  
36 *circumstance shall be held invalid, such invalidity shall not affect the*  
37 *remaining provisions, phrases or clauses or the application thereof to any*  
38 *person or circumstance.*

39 Sec. 2. K.S.A. 2023 Supp. 65-445 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its  
41 publication in the statute book.