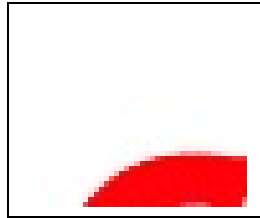


March 15, 2005



Members of the Health and Human Services Committee:

Abortion: safe but rare. This statement reflects wishful thinking on the part of policy-makers and abortion proponents who often use this slogan as a shield to obscure the real facts. The facts are that women continue to die and suffer complications from abortions. Abortion is a surgical procedure that carries risks of perforating the uterus, infection, hemorrhage and other complications. The opportunity lies before you to do something about half of the slogan...to make abortion safer...to require the abortion industry to give credence to their motto by submitting to the same regulations as all other surgical care centers. In light of the flurry of ambulance calls to the Tiller clinic in the past 12 months, including at least one death, it is imperative that an invasive surgical procedure such as an abortion be carefully monitored and regulated by an entity that can actually ensure the safety of women.

The legitimate function of government is to protect the health and safety of its citizens and that duty is being thwarted by a mentality that says *any regulation* of the abortion industry is tantamount to harassment; that abortion clinics are accurately self-reporting statistics about injuries and complications in the abortion procedures performed; and that the performance of abortions is sacrosanct and above regulation. The abortion industry made its case thirty-some years ago by claiming that "women were dying in back-alley abortions." Women are still dying, being rendered sterile and suffering complications from abortions **now**. Because of a deficiency of reporting requirements, abortion deaths and complications are often not reported as such. In addition to the industry's "immunity" from proper reporting, abortion complications are often under-reported because of lack of follow-up care sometimes precipitated by shame or anxiety on the part of the woman. Millions of dollars flow through abortion clinics across this country; yet states are reluctant to regulate clinics because they are uniquely insulated by the abortion industry's claim to the so-called Constitutional "right to choose." Yet the Supreme Court has never put abortion clinics or providers outside of the State's "legitimate interests from the outset of the pregnancy in protecting the health of the woman and the life of the fetus that may become a child." [*Planned Parenthood v Casey*, 505 U.S. 833, 852 (1992) at 846] Another Court opinion, *Greenville Women's Clinic v. Bryant* illustrates that the Constitution does permit health and safety regulation of abortion clinics and services. [*Greenville Women's Clinic*, 222 F.3d 157 (4th Cir. 08/15/000), cert. den'd Feb 26, 2001] The regulations in question were to promote proper sanitation, housekeeping, maintenance, staff qualifications, emergency equipment and procedures to provide emergency care, medical records and reports, laboratory, procedure and recovery rooms, quality assurance, infection control and information on and access to patient follow-up care necessary to keep women safer. To the ordinary person, these requirements seem like a no-brainer in light of the intense scrutiny given veterinarian clinics, beauty parlors, barbers and nail technicians. In light of the recent serious violations by a clinic in KCK invoking a "slap on the wrist" by the Board of Healing Arts *one year later*, and with the clinic operating for that time, it seems that the urgency for action has accelerated considerably. That is, it is urgent if we are sincere about protecting women. Most reasonable people see that a medical procedure such as abortion should be regulated and under scrutiny by the state to protect the health and safety of women, rather than trusting the industry to regulate itself or entrusting that regulation to a board that is appointed and appears to lack a sense of urgency in violations.

As a women's organization, we ask you to protect those women who choose abortion by requiring and enforcing that abortion clinics follow safe medical practices; accurate and complete reporting; and proper protocol for ensuring emergency care should a serious complication arise and that regulation be under the scrutiny of an agency that can actually do something should infractions occur.

Women deserve better than the words of a cleverly devised slogan. Women deserve to be protected.

Judy Smith, State Director, Concerned Women for America of Kansas
Marsha Strahm, Legislative Liaison