



Testimony in Support of SCR 1613/HCR 5019

Value Them Both Constitutional Amendment

Joint meeting of Senate Judiciary and House Federal and State Affairs Committees

Tuesday, January 21, 2020

Chairmen Wilborn and Barker, and members of the committees,

My name is Jeanne Gawdun, and I am the Director of Government Relations with Kansans for Life.

Thank you for the opportunity to speak in support of the Value Them Both Amendment.

**Decades of experience show that unlimited abortion hurts women and babies.**

Nowhere is that more evident than in the area of abortion clinic licensure, inspection, and reporting.

It is important to remember that there are NO federal requirements for abortion facility licensing and abortion damage incident collection. Therefore, it is incumbent upon the state to ensure that valuable safeguards exist for pregnant women involved with the abortion industry.

The Value Them Both Amendment will reverse the State Supreme Court's ruling and return to the people the right to regulate abortion through their elected officials. Far too often the very government agencies charged with protecting the health and safety of the public in this area fail to do so, as evidenced by the following:

**EXAMPLE 1—SUBSTANDARD CONDITIONS**

When deplorable sanitation conditions were discovered in 2003 at the (now closed) Kansas City, Kansas "Abortions Affordable" clinic by local police (who had entered the premises on an unrelated matter) the District Attorney contacted the Kansas Board of Healing Arts. The Board, while admitting it had received many complaints about "Abortions Affordable," declined to act, claiming "no law was being broken."

A teenage "Abortions Affordable" employee at that time was so horrified at the filth inside the clinic that women in this impoverished community were subject to, that she personally decided to wipe down surfaces with rubbing alcohol.

In frustration, and unaware of state governing authorities, like the Board and KDHE, she secretly took photos of the clinic, which eventually became public through intermediary actions from Kansans for Life to the Attorney General and the appropriate Statehouse committees. (see Attachment 1).

After the photos became public, it took an appalling five weeks before the Board of Healing Arts did an onsite inspection and took disciplinary action.

Elevate life.

## EXAMPLE 2– DEATHS & INJURIES

In 2005, a 19-year-old Texas teen with Down Syndrome, in her third trimester of pregnancy, died at a Wichita abortion clinic. The teen was writhing in agony on a hotel luggage cart, at the abortionists' satellite location, and was taken not to a hospital, but back to the abortion clinic, where she died from massive sepsis.

This avoidable death, as well as the deaths of 3 other women during abortions that decade (by a then-Planned Parenthood "Medical Director") and over 50 known cases of malpractice by Kansas-licensed physicians, caused a public outcry.

These two incidents, along with shocking public records of 3 patient deaths by a then-Planned Parenthood abortionist, and over 50 cases of malpractice by Kansas-licensed physicians years of malpractice, especially against the abortionist whose lawsuit resulted in the Court's April 2019 ruling, caused a public outcry.

Legislators had a mandate from the people to act.

Voluminous testimony from both sides of the issue was heard, and the legislature adopted a comprehensive framework based on the abortion industry's own professed standards! Abortion clinic licensing/inspection/reporting legislation was vetoed in 2003 and 2005, and though the 2011 bill became law, it was sued and has been languishing in a courtroom for over eight years.

The abortion industry has consistently fought against the passage of even the most basic health and safety standards; they do not even decry the abuses of "Abortions Affordable" or the deaths and injuries uncovered at abortion clinics. When it suits them, they claim the mantle of being a medical service, yet they have time and again not matched the safety precautions and procedures guaranteed by bona fide medical providers.

See Attachment 2 for continuing evidence of what little regard the abortionists have for the rule of law and the authority of the legislature to enact reasonable regulations on the industry.

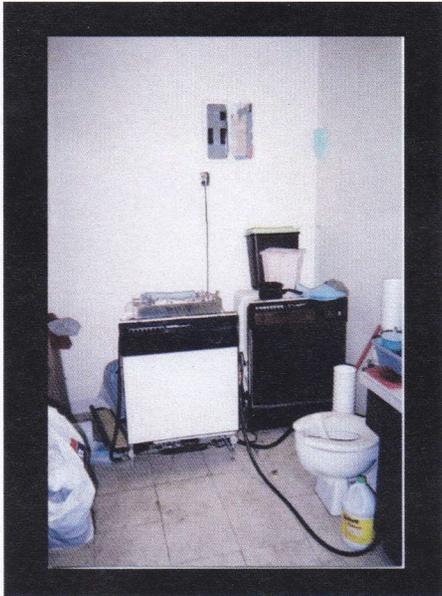
Thank you and I respectfully ask that the committees pass the Value Them Both Amendment out favorably.

I stand for questions.

Jeanne Gawdun

KFL Director of Government Relations

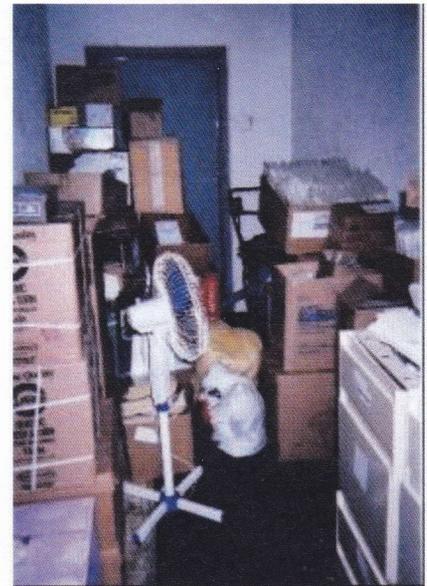
Photos taken in 2003 at "Abortions Affordable"  
in Kansas City, Kansas by staff whistleblower



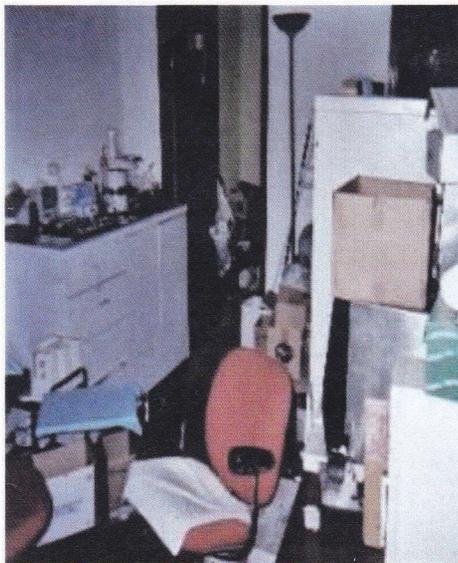
Dishwashers and open toilet



Unsterile surgical bedside with open trash and dirty carpet



Fire hazard blocked back exit with lawn mower as a "back-up generator"



Lab specimen prep room



Combination lunch room/drug prep/aborted fetus storage/patient files

## Examples of how the abortion industry continues to thwart state oversight:

1. The 2013 Pro-life Protections Act (KSA 65-6709, Amended in 2014), which is in effect, states:

*Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed that has a website shall publish an easily identifiable link on the homepage of such website that directly links to the department of health and environment's website that provides informed consent materials under the woman's-right-to-know act. Such link shall read: "The Kansas Department of Health and Environment maintains a website containing information about the development of the unborn child, as well as video of sonogram images of the unborn child at various stages of development. The Kansas Department of Health and Environment's website can be reached by clicking here."*

Trust Women Wichita's website only has the words "If You Are Pregnant" down at the very bottom of its homepage, and it is NOT a direct link to the KDHE's WRTK website. Rather, it is limited to a pdf of the KDHE's 2009 If You Are Pregnant handbook and the KDHE's 2009 If You Are Pregnant Directory of Available Services.

[https://trustwomen.org/user/file/if\\_you\\_are\\_pregnant\\_handbook.pdf](https://trustwomen.org/user/file/if_you_are_pregnant_handbook.pdf) and

[https://trustwomen.org/user/file/directory\\_of\\_services.pdf](https://trustwomen.org/user/file/directory_of_services.pdf)

Comprehensive Health Planned Parenthood Great Plains' website does not have any link to the KDHE's WRTK website on its homepage. A woman must first click on the link to Abortion Services, which takes her to a page where she has to scroll down the page to a link that says "KS Woman's Right To Know Booklet." It, too, is NOT a direct link to the KDHE's WRTK website, but rather to a pdf of the KDHE's current If You Are Pregnant handbook. There is NO link to the KDHE's 2018 If You Are Pregnant Directory of Available Services.

<https://www.plannedparenthood.org/health-center/kansas/overland-park/66211/comprehensive-health-center-2594-90741/abortion>

2. Reams of scientific evidence was presented to the legislature in support of the 2011 Pain-capable Unborn Child Protection Act (KSA 65-6722 through 65-6725). Yet the Center for Women's Health states the following on the informed consent for abortion section on its website:

***The State of Kansas requires us to make the following statements, which we believe to be medically inappropriate, misleading, and ideologically motivated. We are currently challenging the validity of this requirement in court: "By no later than 20 weeks from fertilization, the unborn child has the physical structures necessary to experience pain. There is evidence that by 20 weeks from fertilization unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are 20 weeks from fertilization or older who undergo prenatal surgery."***

[https://www.hodesnauser.com/images/Forms/Surgical\\_Abortion\\_Package.pdf](https://www.hodesnauser.com/images/Forms/Surgical_Abortion_Package.pdf)

3. State legislators were assured in 2018 that the 2015 ban against webcam abortions was in force (65-4a10):

*Except in the case of an abortion performed in a hospital through inducing labor: (A) When RU-486 (mifepristone) is used for the purpose of inducing an abortion, the drug shall initially be administered by or in the same room and in the physical presence of the physician who prescribed, dispensed or otherwise provided the drug to the patient; and (B) when any other drug is used for the purpose of inducing an abortion, the drug or the prescription for such drug shall be given to the patient by or in the same room and in the physical presence of the physician who prescribed, dispensed or otherwise provided the drug or prescription to the patient.*

Yet later that year, Trust Women in Wichita publicly stated that it provided abortions via webcam. A complaint was filed with the Kansas Board of Healing Arts. Over a year later, the investigation continues.