AN ACT concerning abortion; relating to the funding of abortion services.

WHEREAS, The state of Kansas facilitates the disbursement of both state and federal funds to qualifying entities for purposes of conducting certain activities; and

WHEREAS, Public dollars awarded to qualifying entities may facilitate or directly or indirectly subsidize directly or indirectly expenses or activities not directly related to those for which the funds were intended, including, without limitation, shared administrative costs, overhead, employee salaries, rent, utilities and various other expenses; and

WHEREAS, It is possible that public dollars made available by or through the state of Kansas may be awarded to an entity that performs abortions or subsidizes or otherwise facilitates the entity's ability to perform abortions, although such funds were not disbursed specifically for the purpose of performing abortions; and

WHEREAS, As elected representatives of the people of Kansas, the members of the legislature are entrusted with ensuring that all activities conducted with the aid of public funds are in accordance with the wishes of the people of Kansas and the intent of the laws of this state; and

WHEREAS, It is within the purview of the legislature to establish criteria as the basis on which public funds are disbursed unless prohibited by the constitution of the United States; and

WHEREAS, The United States is a constitutional republic that the state of Kansas is a part of; and

WHEREAS, The constitution of the United States preempts state action when such action conflicts with federal law under the doctrine of preemption; and

WHEREAS, The establishment clause of the 1st amendment of the constitution of the United States states, "Congress shall make no law respecting an establishment of religion"; and

WHEREAS, The establishment clause of the 1st amendment of the constitution of the United States applies to the state of Kansas through the 14th amendment of the constitution of the United States; and

WHEREAS, As elected representatives, the members of the legislature have a duty under article IV of the constitution of the United States to not
appropriate funds in a manner that violates the establishment clause; and

WHEREAS, The United States supreme court has recognized that secular humanism is a religion for purposes of the establishment clause in *Torcaso v. Watkins*, 367 U.S. 488 (1961); and

WHEREAS, The naked assertions that "abortion is not murder," "that abortion is not immoral," and that "life does not begin at conception" are unproven faith-based assumptions that are implicitly religious and are unproven truth claims that are inseparably linked to the religion of secular humanism; and

WHEREAS, Many taxpayers, who are non-observers to the religion of secular humanism, object to their tax dollars being spent to enable abortions, because such appropriations coercively cause them to violate their conscience by forcing them to indirectly endorse non-secular acts that they consider to be immoral and offensive; and

WHEREAS, Some taxpayers in Kansas consider abortions to be modern-day child sacrifice conducted on the altar of convenience, which is a practice that is non-secular and controversial; and

WHEREAS, The establishment clause prohibits the state of Kansas from enforcing, respecting, recognizing, favoring or endorsing policies that fund abortion facilities with tax dollars, because the practices are non-secular and such appropriations have the effect of excessively entangling the government with the religion of secular humanism, putting religion over non-religion; and

WHEREAS, The direct or indirect subsidization or facilitation of abortion with funds distributed by the state constitutes paying for an abortion and, therefore, conflicts with the establishment clause; and

WHEREAS, The state of Kansas may not favor or endorse one religion over another, nor may the state of Kansas favor or endorse the religion of secular humanism, generally, over non-religion; and

WHEREAS, It is the policy of the state of Kansas to favor childbirth and family planning services that do not include abortions or the promotion of abortions within the continuum of care or services and avoid the direct or indirect use of state funds to promote or support abortions; and

WHEREAS, The state of Kansas has a compelling interest to uphold community standards of decency; and

WHEREAS, Abortion facilities that provide abortions tend to erode community standards of decency.

Now, therefore:

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

Section 1. The legislature hereby declares that the provisions of K.S.A. 65-6731 through 65-6739, and amendments thereto, recognize that:

(a) The members of the legislature have a duty to comply with the
establishment clause of the 1st amendment of the constitution of the United States pursuant to article VI of the constitution of the United States;

(b) abortions are, by their nature, non- secular practices that are implicitly religious and inseparably linked to the religion of secular humanism;

(c) the state of Kansas is prohibited under the establishment clause from funding or promoting abortions, directly or indirectly, because such appropriations constitute an endorsement of the religion of secular humanism and have the effect of excessively entangling the government with the religion of secular humanism;

(d) the United States supreme court and the legislature have recognized that secular humanism is a religion for the purposes of the establishment clause, and abortions are non- secular practices that are inseparably linked to the religion of secular humanism;

(e) it is the policy of the state of Kansas to favor childbirth and family planning services that do not include abortions or the promotion of abortions within the continuum of care or services and to avoid the direct or indirect use of state funds to promote or support abortions;

(f) the state of Kansas has a compelling interest to uphold community standards of decency; and

(g) facilities that provide abortions tend to erode community standards of decency by encouraging promiscuity and normalizing false permission-giving beliefs about sex.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.