

## Licensing Abortion Facilities

**House Sub. for SB 36** provides for the licensing and regulating of abortion clinics and other medical facilities by the Kansas Department of Health and Environment (KDHE). The Secretary of KDHE is required to adopt and enforce rules and regulations regarding medical facilities that perform abortions and to collect an initial fee of \$500 and subsequent annual fees of \$500 from each licensee. The Secretary of KDHE must determine the severity of violations and must assess the corresponding fines for those violations. Inspections of licensed facilities by KDHE are required twice per year.

The bill adds new definitions for two terms regarding facilities that must be licensed, including “elective abortion” and “medical emergency.” The bill also redefines certain statutory terms in regards to facilities that must be licensed, including “abortion” and “facility.”

“Elective abortion” means an abortion for any reason other than to prevent the death of the mother. “Medical emergency” means a condition that so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy. “Abortion” means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate a pregnancy. “Facility” means any clinic, hospital or ambulatory surgical center, in which any second or third trimester elective abortion or five or more first trimester elective abortions are performed in a month, excluding any abortions performed due to a medical emergency.

Any facility that performs any second or third trimester abortion, or five or more first trimester abortions within a month, must be licensed. Except in the case of a medical emergency, all abortions, when the gestational age of the unborn child is 22 weeks or more, must be performed in a licensed facility that is either a hospital or an ambulatory surgical center. All other abortions must be performed in a licensed facility, including a hospital, an ambulatory surgical center, or a clinic, except in the case of a medical emergency.