

SESSION OF 2012

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 62**

As Recommended by House Committee on  
Judiciary

**Brief\***

House Sub. for SB 62 would add to current law that no person shall be required to make a referral for medical procedures or the prescription or administration of any device or drug that results in the termination of a pregnancy or an effect of which the person reasonably believes may result in the termination of a pregnancy. Additionally, no person would be required to perform or participate in the prescription or administration of any device or drug that results in the termination of a pregnancy or an effect of which the person reasonably believes may result in the termination of a pregnancy. Current law already states no person shall be required to perform or participate in medical procedures that result in the termination of a pregnancy. Further, the refusal to do so would not be the basis for civil liability to any person, and no medical care facility, medical care facility administrator, or governing body of a medical care facility would be able to terminate the person's employment, prevent or impair the person's practice or occupation, or impose any other sanction on the person because of the person's exercise of these rights.

Similarly, the bill would add language stating no medical care facility, medical care facility administrator, or governing board of any medical care facility would be required to permit the performance, referral for, or participation in medical procedures, or in the prescription or administration of any device or drug that would result in the termination of a human

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

pregnancy or an effect of which the person reasonably believes may result in the termination of a human pregnancy. The refusal to do so would not constitute grounds for civil liability to any person.

The bill also would provide no person would be required to make referrals for medical procedures that result in sterilization and no medical care facility, medical care facility administrator, or governing board of any medical care facility would be required to permit the performance or referral for or participation in medical procedures that result in sterilization. Refusal to do so would not be a basis for civil liability to any person.

### **Background**

SB 62 was introduced in 2011 as a bill clarifying that court costs may be assessed under the Asset Seizure and Forfeiture Act.

In the 2011 Senate Judiciary Committee, a representative of the Kansas Association of District Court Clerks and Administrators appeared in support of SB 62, explaining that under current law, court costs apparently may be assessed when forfeited assets are sold, but no provision allows court cost assessment when the object of a forfeiture proceeding is cash. No opponents provided testimony. The Committee made no changes to the bill and recommended it be passed.

The 2012 House Judiciary Committee recommended a substitute bill for SB 62 be passed replacing its text with the text of HB 2523.

The fiscal note on SB 62, as introduced, states the bill should result in additional docket fees and costs collected by district courts, but a precise fiscal effect cannot be determined until the courts operate under the bill provisions.

### **HB 2523**

In the 2012 House Judiciary Committee, representatives of Kansans for Life, Kansas Catholic Conference, Concerned Women for America of Kansas, and local medical professionals offered testimony in support of HB 2523. Representatives of Trust Women PAC, Planned Parenthood of Kansas and Mid-Missouri, Kansas NOW, and ACLU of Kansas and Western Missouri offered testimony in opposition of the bill. The Committee amended the bill to replace "hospital" and "health care facility" with "medical care facility" throughout the bill. The Committee also added provisions stating no person would be required to make referrals for medical procedures that result in sterilization and no medical care facility, medical care facility administrator, or governing board of any medical care facility would be required to permit the performance or referral for or participation in medical procedures that result in sterilization.

The fiscal note for HB 2523, as introduced, indicates passage of the bill would have no fiscal effect on the Board of Healing Arts or the Kansas Department of Health and Environment.