



**KANSAS NOW**

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**March 20, 2013**

**TO: Members of the House Committee on Corrections and Juvenile Justice**  
**FR: Elise Higgins**  
**Lobbyist and State Co-Coordinator, Kansas NOW**  
**RE: SB 142, Opponent Testimony**

Good afternoon, Chairman Rubin and members of the House Committee on Corrections and Juvenile Justice. Thank you for the opportunity to submit testimony on behalf of the Kansas National Organization for Women and its more than 1,000 members across the state.

Kansas NOW strongly opposes passage of Senate Bill 142 because it is disrespectful to women and families' decision making power, it invites doctors to break the oath of their profession, and it is widely opposed by not only our members but also the majority of Kansans.

Our main opposition to this bill is centered around New Section 1 (a), which defines and prohibits civil action for a claim of "wrongful life" or "wrongful birth" and would allow for a medical practitioner to purposefully keep information about serious genetic or congenital abnormalities from women in an attempt to influence their decision making about their pregnancy.

**First, this bill is disrespectful to women and families' decision making power.** Women and their families deserve respect and as much information as it is possible to have when deciding whether and when to have children. Resorting to misinformation and lies of omission in an attempt to coerce women and families into making decisions that they otherwise would not have made is government interference and disrespect at its worst.

New Section 1 (b) contains, as it did last year, some minor loopholes. However, by the time women and their families bring suit against their healthcare provider, the damage has already been done. This bill explicitly incentivizes the omission of critical medical information from conversations between doctors and patients, information that could be life changing were it given at an appropriate time. Without needed information, parents can neither make an informed choice about whether to end a pregnancy nor learn about their child's condition during the course of the pregnancy so they're prepared to be the best parents they can be.

**Next, New section 1 (a) of Senate Bill 142 is an invitation for physicians to violate their Hippocratic Oath**, specifically the parts of the Oath stating that “I will not withdraw from my patients in their time of need, “I will maintain this sacred trust” and the piece of the oath stating “that above all else I will serve the highest interests of my patients.” This bill positions the religious or moral beliefs of the doctor above the highest interest of the patient. Since doctors are not required to disclose religious beliefs which compromise their practice of medicine, families won’t have the peace of mind and trust that are so essential to the doctor/patient relationship. They will instead worry about whether or not their provider is withholding vital information about their health and the state of their pregnancy. No family should have to worry about their doctor’s personal political beliefs when seeking out medical care.

**Finally, this legislation is opposed not just by Kansas NOW members, but the general population.** In a 2012 study by Belden Russonello Strategists, 78% of respondents from a cross-section of Americans strongly opposed a doctor not telling a woman that her fetus has a severe defect because of the doctor’s concerns over a potential abortion.<sup>1</sup> An identical provision in last year’s anti-abortion omnibus bill, HB 2598, caused massive public outcry and ultimately helped to prevent that bill’s passage.

Ultimately, whether or not to have an abortion is an intensely complicated, personal decision. It is not for the Kansas Legislature to make private, personal decisions for the families that they represent. This bill is unwanted government intrusion into Kansans’ lives, and is a distraction from policies that improve lives of citizens in need of excellent educations, good jobs and accessible health care. Please vote to not recommend Senate Bill 142 for passage. Thank you.

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<sup>1</sup> Beldon Russonello Strategists. “Memo to ACLU, Catholics for Choice re: American attitudes on religious exemptions.” CatholicsForChoice.org. October 23, 2012.