

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 98

As Amended by Senate Committee on Federal
and State Affairs

Brief*

SB 98 as amended, would amend the Woman's Right to Know Act as it relates to what constitutes voluntary and informed consent before an abortion can be performed. The bill would require additional information about the physician performing an abortion be provided to a woman at least 24 hours in advance of the procedure.

Specifically, the bill would require the following information to be provided:

- The name of the physician;
- The year the physician received a medical doctor's degree;
- The date the physician's employment began at the facility where the procedure is to be performed;
- The name of any hospital where the physician has lost clinical privileges;
- The following information is to be notated by marking a box indicating "yes" or a box indicating "no";
 - Whether any disciplinary action has been taken against the physician by the State Board of Healing Arts (Board);

*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>

- If the “yes” box is marked, a website address to Board documentation for each disciplinary action must be provided;
- Whether the physician has malpractice insurance;
- Whether the physician has clinical privileges at any hospital within 30 miles of the facility where the procedure is to be performed;
 - If the “yes” box is marked, the name of each hospital and date the privileges were issued must be provided; and
- Whether the physician is a resident of Kansas.

The information listed above would be required to be provided on white paper, in a printed format, in black ink, and in 12-point Times New Roman font.

The bill would state that if any of the laws related to abortion found in KSA Chapter 65, Section 67 are enjoined, all other provisions in that section of law will be enforced as if the enjoined provisions had not been enacted. If the injunction on the provisions ceases to be in effect, the provisions would have full force and effect.

Background

The bill was introduced by Senators Baumgardner, Alley, Billinger, Bowers, Estes, Fitzgerald, Goddard, Kerschen, LaTurner, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Suellentrop, Tyson, Wagle, and Wilborn. In the Senate Committee on Federal and State Affairs hearing, Senator Baumgardner and representatives from Kansans for Life and the Family Policy Alliance of Kansas testified in support of the bill. Written-only testimony in support of the bill was provided by the Kansas Catholic Conference, an attorney, and two physicians.

A representative from Planned Parenthood, an attorney, and a physician appeared in opposition to the bill. Written-only testimony in opposition to the bill was provided by the American Civil Liberties Union of Kansas, and three physicians.

No neutral testimony was provided.

The Senate Committee amended the bill to specify the information required by the bill be printed on white paper.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, enactment of the bill could result in additional reports or complaints regarding physicians alleged to have violated the requirements of the bill, which could result in an increased number of investigations to be performed by the Board. Potential increases in investigations would increase operational expenses. The Board was unable to predict what any additional costs would be.

The Office of Judicial Administration and the Kansas Department of Health and Environment (KDHE) indicate the fiscal effect of enactment of the bill would be negligible. KDHE would only have to make changes to the website as printed materials are no longer sent to physicians' offices, clinics and hospitals, or health centers.

Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.