

HOUSE BILL No. 2749

By Committee on Health and Human Services

Requested by Representative Bryce on behalf of Kansans for Life

2-7

1 AN ACT concerning abortion; relating to reports on abortions performed
2 in this state; requiring the reporting of the reasons for each abortion
3 performed at a medical care facility or by a healthcare provider;
4 amending K.S.A. 2023 Supp. 65-445 and repealing the existing section.
5

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

7 Section 1. K.S.A. 2023 Supp. 65-445 is hereby amended to read as
8 follows: 65-445. (a) Every medical care facility shall keep written records
9 of all pregnancies that are lawfully terminated within such medical care
10 facility and shall ~~annually~~ submit a written report thereon *biannually* to the
11 secretary of health and environment in the manner and form prescribed by
12 the secretary. Every person licensed to practice medicine and surgery shall
13 keep a record of all pregnancies that are lawfully terminated by such
14 person in a location other than a medical care facility and shall ~~annually~~
15 submit a written report thereon *biannually* to the secretary of health and
16 environment in the manner and form prescribed by the secretary.

17 (b) Each report required by this section shall include the number of
18 pregnancies terminated during the period of time covered by the report, the
19 type of medical facility in which the pregnancy was terminated,
20 information required to be reported under K.S.A. 65-6703(b) and (c), 65-
21 6705(j), 65-6721(c) and 65-6724, and amendments thereto, if applicable to
22 the pregnancy terminated, information required to be reported under
23 K.S.A. 2023 Supp. 65-6758, and amendments thereto, and such other
24 information as may be required by the secretary of health and
25 environment, ~~but~~. The report shall not include the names of the persons
26 whose pregnancies were so terminated or upon whom an attempted
27 abortion was performed. Each report required by K.S.A. 65-6703(b) and
28 (c), 65-6705(j) and 65-6721(c), and amendments thereto, shall specify the
29 medical diagnosis and condition constituting a substantial and irreversible
30 impairment of a major bodily function or the medical diagnosis and
31 condition that necessitated performance of an abortion to preserve the life
32 of the pregnant woman. Each report required by K.S.A. 65-6703, and
33 amendments thereto, shall include a sworn statement by the physician
34 performing the abortion and the referring physician that such physicians
35 are not legally or financially affiliated.

1 (c) *Except in the case of a medical emergency, as defined in K.S.A.*
2 *65-6701, and amendments thereto, each pregnant woman shall be asked,*
3 *prior to the termination of such woman's pregnancy, which of the*
4 *following reasons was the most important factor in such woman's decision*
5 *to seek an abortion and, if more than one reason was relevant, which was*
6 *the second most important and which was the third most important:*

7 (1) *Having a baby would interfere with the woman's education;*

8 (2) *having a baby would interfere with the woman's employment or*
9 *career;*

10 (3) *the woman cannot afford the child;*

11 (4) *the woman does not feel mature enough to raise a child or, if*
12 *applicable, an additional child;*

13 (5) *the woman already has enough, or too many, children;*

14 (6) *the woman's husband or partner is abusive to such woman or*
15 *such woman's children;*

16 (7) *the woman's husband or partner wants such woman to have an*
17 *abortion;*

18 (8) *the woman's parent or parents want such woman to have an*
19 *abortion;*

20 (9) *the woman does not have enough support from family or others to*
21 *raise a child;*

22 (10) *the woman does not want others to know that such woman had*
23 *sexual intercourse or became pregnant;*

24 (11) *the woman fears that such woman would neglect or abuse an*
25 *unwanted child;*

26 (12) *the pregnancy is the result of rape;*

27 (13) *the pregnancy is the result of incest;*

28 (14) *the pregnancy threatens the woman's physical health;*

29 (15) *the pregnancy threatens the woman's mental or emotional*
30 *health; or*

31 (16) *the child would have a disability.*

32 *If the woman declines to answer, such response shall be recorded.*

33 (d) *Each report required by this section shall include, for the period*
34 *of time covered by the report:*

35 (1) *The number of times each of the reasons listed in subsection (c)*
36 *was described as the most important, the second most important and the*
37 *third most important; and*

38 (2) *the number of times a pregnant woman seeking an abortion was*
39 *asked about the reasons listed in subsection (c) and declined to answer.*

40 (e) *Each report required by this section shall include:*

41 (1) *The patient's age in years on the patient's last birthday;*

42 (2) *the patient's marital status at the time of the abortion;*

43 (3) *the state or United States territory of residence of the patient or, if*

1 *the patient is not a resident of the United States, the patient's country of*
2 *residence;*

3 (4) *the patient's race and, if applicable, the hispanic origin of the*
4 *patient;*

5 (5) *the highest level of education completed by the patient;*

6 (6) *whether, in the 30 days prior to the abortion, the patient received*
7 *services, financial assistance, excluding financial assistance in obtaining*
8 *an abortion, or other assistance from a nonprofit organization that*
9 *supports pregnant women;*

10 (7) *whether the patient reported having experienced domestic*
11 *violence in the 12 months prior to the abortion;*

12 (8) *whether the patient is living in a place that the patient considers*
13 *to be safe, stable and affordable;*

14 (9) *whether a report of physical, mental or emotional abuse or*
15 *neglect was made pursuant to K.S.A. 38-2223, and amendments thereto,*
16 *where the patient was the victim of such physical, mental or emotional*
17 *abuse or neglect; and*

18 (10) *the method by which the abortion was performed on the patient.*

19 (f) Information obtained by the secretary of health and environment
20 under this section shall be confidential and shall not be disclosed in a
21 manner that would reveal the identity of any person licensed to practice
22 medicine and surgery who submits a report to the secretary under this
23 section or the identity of any medical care facility that submits a report to
24 the secretary under this section, except that such information, including
25 information identifying such persons and facilities may be disclosed to the
26 state board of healing arts upon request of the board for disciplinary action
27 conducted by the board and may be disclosed to the attorney general or
28 any district or county attorney in this state upon a showing that a
29 reasonable cause exists to believe that a violation of this act has occurred.
30 Any information disclosed to the state board of healing arts, the attorney
31 general or any district or county attorney pursuant to this subsection shall
32 be used solely for the purposes of a disciplinary action or criminal
33 proceeding. Except as otherwise provided in this subsection, information
34 obtained by the secretary under this section may be used only for statistical
35 purposes and such information shall not be released in a manner that
36 would identify any county or other area of this state in which the
37 termination of the pregnancy occurred. A violation of this subsection ~~(e)~~
38 (f) is a class A nonperson misdemeanor. The provisions of this subsection
39 shall expire on July 1, ~~2028~~ 2029, unless the legislature reviews and
40 reenacts such provisions in accordance with K.S.A. 45-229, and
41 amendments thereto, prior to July 1, ~~2028~~ 2029.

42 ~~(d)~~(g) In addition to such criminal penalty under subsection ~~(e)~~ (f),
43 any person licensed to practice medicine and surgery or medical care

1 facility whose identity is revealed in violation of this section may bring a
2 civil action against the responsible person or persons for any damages to
3 the person licensed to practice medicine and surgery or medical care
4 facility caused by such violation.

5 ~~(e)~~(h) For the purpose of maintaining confidentiality as provided by
6 subsections ~~(e)~~ (f) and ~~(d)~~ (g), reports required by this section shall identify
7 the person or facility submitting such reports only by confidential code
8 number assigned by the secretary of health and environment to such
9 person or facility and the department of health and environment shall
10 maintain such reports only by such number.

11 ~~(f)~~(i) The ~~annual~~ *biannual* public report on abortions performed in
12 Kansas issued by the secretary of health and environment shall contain the
13 information required to be reported by this section to the extent such
14 information is not deemed confidential pursuant to this section. *Such*
15 *biannual report shall be issued not later than 30 days after the end of the*
16 *reporting period for the information contained in such report.* The
17 secretary of health and environment shall adopt rules and regulations to
18 implement this section. Such rules and regulations shall prescribe, in
19 detail, the information required to be kept by the physicians and hospitals
20 and the information required in the reports that must be submitted to the
21 secretary.

22 ~~(g)~~(j) The Kansas department for children and families shall prepare
23 and publish an annual report on the number of reports of child sexual
24 abuse received by the department from abortion providers. Such report
25 shall be categorized by the age of the victim and the month the report was
26 submitted to the department. The name of the victim and any other
27 identifying information shall be kept confidential by the department and
28 shall not be released as part of the public report.

29 *(k) The provisions of this section are declared severable. If any*
30 *provision, phrase or clause or the application thereof to any person or*
31 *circumstance shall be held invalid, such invalidity shall not affect the*
32 *remaining provisions, phrases or clauses or the application thereof to any*
33 *person or circumstance.*

34 Sec. 2. K.S.A. 2023 Supp. 65-445 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the statute book.