

SESSION OF 2017

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2319

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2319 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 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; and
- As notated by marking a box indicating "yes" or a box indicating "no", details about:
 - 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 in a printed format, in black ink, and in 12-point Times New Roman font.

The bill would state 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 Representatives Arnberger, Averkamp, Blex, Cox, DeGraaf, Ellis, Esau, Garber, Highland, Huebert, Humphries, Jacobs, Landwehr, Osterman, Rafie, Rahjes, Vickrey, Weber, and Williams. In the House Federal and State Affairs Committee hearing, representatives of the Family Policy Alliance and Kansans for Life appeared in support of the bill. Written-only proponent testimony was provided by Concerned Women for America of Kansas, the Kansas Catholic Conference, two medical doctors, and a private citizen.

Representatives of Planned Parenthood Great Plains Votes, South Wind Women's Center, and Trust Women Foundation, Inc., testified in opposition to the bill. Written-only opponent testimony was provided by the American Civil Liberties Union (ACLU) and three medical doctors.

No neutral testimony was provided.

According to the fiscal note prepared by the Division of the Budget, 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*.