

HB 2598 Summary  
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Revisor of Statutes Office

The following is a brief summary of the major provisions of 2012 HB 2598:

1. No Taxpayer Funding of Abortion Act Sections 1-7. (pages 1-2)

Section 2 is the key section of the No Taxpayer Funding of Abortion Act.

- No state moneys can be expended for an abortion.
- No tax credits or exemptions are allowed for abortion expenses or insurance rider coverage for abortions.
- No distributions from any health tax preferred trust or account can be made for abortions.
- No state health plan shall include abortion coverage.

2. Other sections carry out the policy of the No Taxpayer Funding of Abortion Act.

- Section 11 (p. 4) K.S.A. 2011 Supp. 40-2246.
  - No employer may take an income tax credit for health care health insurance, etc. for purchase of optimal rider for abortion coverage
- Section 17 (p. 21) K.S.A. 2011 Supp. 79-32,117
  - The adjusted gross income of an individual Kansas taxpayer must add back any expenditure claimed on the person's federal income tax return as a deduction for an abortion, for purchase of an insurance rider covering abortion or for an expenditure from a health savings account for such purposes. (p. 24)
- Section 18 (p. 27) K.S.A. 2011 Supp. 79-32,138
  - Kansas corporate income taxpayers who claim a deduction on their federal tax return for expenses for employees covering optional abortion riders must add this amount back into their Kansas adjusted gross income.
- Section 19 (p. 29) K.S.A. 2011 Supp. 79-32,182b
  - Income tax credits for research and development activities shall not include expenditure for performance of any abortion.
- Section 20 (p. 29) K.S.A. 2011 Supp 79-32,195
  - Income tax credits for community service organizations for health care services shall not include any services involving an abortion. (p. 31)

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Attachment 1

- Section 21 (p. 31) K.S.A. 2011 Supp. 79-32,261

- Income tax credits for contributions for deferred maintenance for secondary educational institutions shall not include costs for any building in which an abortion is performed. (p. 33)

- Section 22 (p. 34) K.S.A. 2011 Supp 79-3606

- A sales tax exemption shall not be allowed:

(1) for any drug used in performance or induction of an abortion (p. 39);

(2) for any educational materials purchased by a nonprofit corporation which performs abortions (p. 48);

(3) for the purchase of tangible personal property by a nonprofit corporation which performs any abortions (p. 49); or

(4) for purchase of tangible person property by a primary care clinic or health center which performs any abortions (p. 55).

### 3. Sex Selection Abortions Made a Crime; Civil Cause of Action Created

- Section 8 (p. 2)

- It is a crime for a person to perform an abortion with the knowledge that the pregnant woman is seeking the abortion solely on account of the sex of the child.

- A civil cause of action is created for the woman and the father, in certain cases, and the parents or custodial guardian if the woman is under 18.

### 4. School Districts; Employees, Education Services Providers – No Abortion Services or Teaching

- Section 9. (p. 3)

- No school district, employee or contract education service provider shall provide abortion services. No person or entity providing abortion services may offer, sponsor or provide any materials for human sexuality classes in school districts.

### 5. Wrongful Life Civil Cause of Action Prohibited

- Section 10 (p. 3)

- No civil cause of action may be brought for wrongful life or wrongful birth.

### 6. Wrongful Death Civil Cause of Action Expanded

- Section 12 (p. 5) K.S.A. 60-1901.

- The wrongful death civil cause of action is expanded by extending the definition of "person" to include an unborn child.

7. Abortion Law – Definitions

- Section 13 (p. 5) K.S.A. 2011 Supp. 65-6701
- A definition of "bodily function" is added (p. 6)
- The definition of "medical emergency" is altered (p. 6)

8. Late Term Abortion Statute

- Section 14 (p. 7) K.S.A. 2011 Supp 65-6703
- the words "or attempt to perform or induce" or similar language is added in various places. The word "physical" is added before impairment of a major bodily function; and other changes dealing with conditions which must be met for a late term abortion. (p. 7-9)

9. Informed Consent Abortion Statute

- Section 15 (p. 10) K.S.A. 2011 Supp. 65-6709.
- the law is amended to add a number of things, including, among others:
  - (1) to require in writing a description of the risk of premature birth in future pregnancies and the risk of breast cancer; (p. 11)
  - (2) disclosure about pain felt by the unborn child; (p. 12)
  - (3) to require the use of a hand-held doppler fetal monitor to allow the pregnant woman to hear the unborn child's heart beat; and (p. 13)
  - (4) added information on the sign in the abortion provider's office. (p. 14)

10. Kansas Department of Health and Environment (KDHE) Abortion Education Materials

- Section 16 (p. 15) K.S.A. 2011 Supp. 65-6710.
- KDHE must provide added information to include as a sample:
  - (1) it is unlawful for any individual to coerce you to undergo an abortion; (p. 17)
  - (2) detailed information about growth and development of the unborn child; (p. 17-19)
  - (3) available adoption services; and (p. 20)
  - (4) the father of the child's responsibilities to provide support. (p. 20)