



Testimony Regarding HB 2523
ACLU of Kansas and Western Missouri
3601 Main Street Kansas City, MO 64111

Thank you Mr. Chairman, and members of the committee, for the opportunity to testify in opposition to HB 2523. My name is Holly Weatherford and I am the Program Director for the ACLU of Kansas and Western Missouri. The ACLU is a nonpartisan public interest organization representing members and supporter across Kansas dedicated to protecting the principles of freedom and equality set forth in the Constitution and in our nation's civil rights laws.

Kansas existing refusal law is sufficient to balance First Amendment rights with access to health care. K.S.A. 65-443 and 65-444 already allows physicians or other health care professionals to desist from performing or participating in reproductive health care procedures. The proposed changes in HB 2523 are extremely broad and would allow those health care providers, including those at public health care facilities, to refuse to refer for, prescribe, or administer contraception.

We know that the vast majority of women will use birth control in their lifetimes. And we know health care matters for women and access to birth control is essential. HB 2523 creates a system where each individual health care professional's moral conscience is a law unto itself. Individuals have a right to their religious beliefs, but they do not have a right to impose those beliefs or their conscience on third parties by choosing which essential health services third parties are able to access, like birth control. Instead, employees in health care facilities have a responsibility to fulfill the duties of their job, making the patient's welfare their primary concern.

Reproductive health care, including contraception, is constitutionally protected as necessary to implementing fundamental childbearing decisions. Just as those religious tenets opposing the use of contraception are entitled to respect, so too are contrary religious traditions, which hold sexual intimacy need not be linked to procreation and that planning childbearing is a morally responsible act. This proposed measure would allow health care providers to use their own religion or moral conscience to discriminate. Again, health care professionals' primary concern must be a patient's welfare, regardless of their personal views about race, religion, gender, social status, and type of illness or injury. We should not write discrimination into our laws. For these reasons, the ACLU asks this committee to oppose HB 2523.