

**HOUSE BILL No. 2253**

By Committee on Federal and State Affairs

2-6

1 AN ACT concerning abortion; relating to the funding of abortion services;  
2 relating to restrictions on late-term abortions; relating to the woman's-  
3 right-to-know act; amending K.S.A. 2012 Supp. 40-2246, 65-6701, 65-  
4 6703, 65-6709, 65-6710, 76-3308, 79-32,117, 79-32,138, 79-32,182b,  
5 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections.  
6

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

8 New Section 1. As used in sections 1 through 8, and amendments  
9 thereto:

10 (a) "Abortion" has the same meaning as such term is defined in  
11 K.S.A. 65-6701, and amendments thereto.

12 (b) "Health benefit plan" means any hospital or medical expense  
13 policy, health, hospital or medical services corporation contract, and a plan  
14 provided by a municipal group-funded pool, or a health maintenance  
15 organization contract offered by any employer or any certificate issued  
16 under any such policy, contract or plan.

17 (c) "Health care entity" means an individual physician or other health  
18 care professional, a hospital, a provider-sponsored organization, a health  
19 maintenance organization or any other health care facility or organization.

20 (d) "School district" means any public school district organized under  
21 the laws of this state.

22 (e) "State agency" has the same meaning as such term is defined in  
23 K.S.A. 75-3701, and amendments thereto.

24 New Sec. 2. (a) The legislature hereby finds and declares the  
25 following:

26 (1) The life of each human being begins at fertilization;

27 (2) unborn children have interests in life, health and well-being that  
28 should be protected; and

29 (3) the parents of unborn children have protectable interests in the  
30 life, health and well-being of the unborn children of such parents.

31 (b) On and after July 1, 2013, the laws of this state shall be  
32 interpreted and construed to acknowledge on behalf of the unborn child at  
33 every stage of development, all the rights, privileges and immunities  
34 available to other persons, citizens and residents of this state, subject only  
35 to the constitution of the United States, and decisional interpretations  
36 thereof by the United States supreme court and specific provisions to the

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1 contrary in the Kansas constitution and the Kansas Statutes Annotated.

2 (c) As used in this section:

3 (1) "Fertilization" means the fusion of a human spermatozoon with a  
4 human ovum.

5 (2) "Unborn children" or "unborn child" shall include all unborn  
6 children or the offspring of human beings from the moment of fertilization  
7 until birth at every stage of biological development.

8 (d) Nothing in this section shall be construed as creating a cause of  
9 action against a woman for indirectly harming her unborn child by failing  
10 to properly care for herself or by failing to follow any particular program  
11 of prenatal care.

12 New Sec. 3. Except to the extent required by federal law:

13 (a) No moneys appropriated from the state general fund or from any  
14 special revenue fund shall be expended for any abortion;

15 (b) no tax credit shall be allowed against any income tax, premium or  
16 privilege tax liability and no exemption shall be granted from sales or  
17 compensating use tax for that portion of such amounts paid or incurred for  
18 an abortion, or that portion of such amounts paid or incurred for a health  
19 benefit plan, including premium assistance, for the purchase of an optional  
20 rider for coverage of abortion in accordance with K.S.A. 2012 Supp. 40-  
21 2,190, and amendments thereto;

22 (c) in the case of any tax-preferred trust or account, the purpose of  
23 which is to pay medical expenses of the account beneficiary, any amount  
24 paid or distributed from such an account for an abortion shall be included  
25 in the gross income of such beneficiary; and

26 (d) no health care services provided by any state agency, or any  
27 employee of a state agency while acting within the scope of such  
28 employee's employment, shall include abortion, nor shall money  
29 appropriated from the state general fund or from any special revenue fund  
30 be used to pay for the lease or operation of any facility in which abortions  
31 are performed.

32 New Sec. 4. No school district, employee or [volunteer] thereof, or  
33 educational service provider contracting with such school district shall  
34 provide abortion services. No school district shall permit any person or  
35 entity to offer, sponsor or otherwise furnish in any manner any course  
36 materials or instruction relating to human sexuality or sexually transmitted  
37 diseases if such person or entity is an abortion services provider, or an  
38 employee or [volunteer] of an abortion services provider.

39 New Sec. 5. Nothing in sections 1 through 8, and amendments  
40 thereto, shall repeal, amend or have any effect on any other state law to the  
41 extent such law imposes any limitation on the use of funds for abortion,  
42 more restrictive than the limitations set forth in sections 1 through 8, and  
43 amendments thereto.

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