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**Testimony in Support of House Concurrent Resolution 5003**

**Presented to the House Committee on Federal and State Affairs**

**By Chief Deputy Attorney General Jeff Chanay**

**January 15, 2021**

Chairman Barker and members of the committees:

Thank you for the opportunity to offer some observations from the Office of the Attorney General on the proposed Bill of Rights § 22 as set forth in House Concurrent Resolution 5003.

The proposal before the committees is an attempt to return the state of the law in Kansas to the way that it was prior to the decision of the Kansas Supreme Court in *Hodes & Nauser v. Schmidt*.

Proposed Bill of Rights § 22 makes it clear that the Kansas Constitution does not independently secure a right to an abortion nor does it independently require government funding of abortion. Instead, subject only to the limitations imposed by the U.S. Constitution, the proposal leaves it to the people of Kansas, through their elected officials in the Kansas Legislature, to set the abortion laws and policies of the state.

Viewed in the light of the Kansas Constitution, the proposal allows the Legislature to permit, regulate, or limit the abortion procedure. In this respect, the proposal is a balanced approach to abortion and returns Kansas law to its common understanding prior to the Kansas Supreme Court's April 26, 2019, ruling. It is not in and of itself a ban on abortion.

Passage of the proposed Bill of Rights § 22 Constitutional Amendment does not present any legal or procedural concerns to the Office of the Attorney General.

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