

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfried at 1:30 P.M. on February 20, 2008, in Room 313-S of the Capitol.

All members were present except:

Richard Carlson:Excused
Nile Dillmore - Excused
Michael Peterson - Excused
Judy Morrison - Excused

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department
Mike Heim, Revisor of Statutes Office
Jason Long, Revisor of Statutes Office
Jeannie Dillon, Committee Assistant

Conferees:

Jason Long, Revisor of Statutes
Dr. Elizabeth Saadi
Tim Mosher
Lyndsey Stauble
Julie Burkhart

Others attending:

See attached list.

The Chair opened the meeting for bill introductions. A bill was requested by Representative Brunk that deals with fetal pain. Seconded by Brown, without objection, the bill was accepted.

The Chairman reopened the hearing on **HB 2615 - Abortion; late term abortion records; reporting and HB 2736 - Amendments to late-term abortion laws; reporting requirements; waiver of parental notice; civil remedies for violations of law.**

The Chairman opened the meeting to questioning of Jason Long, Revisor of Statutes, on **HB 2736.**

The Chairman asked Jason Long, if the content of **HB 2615** was duplicated in **HB 2736.** Mr. Long responded by saying that it was not exact. He explained that **HB 2615** was amending to require that the reports include a medical reason for the determination of gestational age and whether or not, at least for an abortion, what the statute standard is and that language is not implicated in **HB 2736.** The two bills would differ on that point.

Answering a question from a Committee member, Mr. Long explained the requirement of using an ultrasound in the bill. He stated that the requirement is that if the doctor who uses an ultrasound in the performance of an abortion shall inform the woman that she has a right to view the ultrasound. The doctor has to be already using the ultrasound equipment in the abortion for the requirement that he must offer the woman the right to view the ultrasound to be in effect.

HB 2615 would add language to KSA 65-6703 that would require that the medical reasons and medical basis for determining the gestational age and whether or not the fetus is viable be recorded and whether or not the fetus is viable as part of the determination the late term abortion is legal under the statutes.

Mr. Long told the Committee that he had omitted a point that was pertinent in his remarks on February 1, 2008, and told the Committee that he would be remiss if he did not bring it to their attention. **HB 2736** repeals KSA 65-6713. The statute eliminates the protection of doctors being sued for failure to obtain informed consent from the patient. Essentially if the woman feels that she was not properly informed prior to the abortion procedure, even if a doctor follows and does what he is supposed to do, she could still bring a lawsuit for damages. After answering all questions by the Committee, Mr. Long was thanked for his participation.

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 20, 2008, in Room 313-S of the Capitol.

The Chair welcomed Elizabeth W. Saadi, PhD, Interim Director and Acting State Registrar for the Center for Health and Environmental Statistics. Dr. Saadi gave testimony on how **HB 2615** requires KDHE to alter information it collects for all abortions and expands the collection for late term procedures. She answered questions regarding data collection and stated that she expected that there would be additional information that would not be a simple code but a descriptive piece of information. When asked by a Committee member how the department currently complies with KSA 65-6703, Dr. Saadi stated that they collect the data the way it is being reported and leave it to others to interpret the data. She believed that they meet the letter of the law. ([Attachment 1](#))

After answering all questions from the Committee, Dr. Saadi was thanked for her testimony.

Tim Mosher came before the Committee as an opponent to give testimony about he and his wife's experience going through a late term abortion due to a genetic defect found by a comprehensive ultrasound. They met with a genetic counselor who discussed with them their options and clarified their daughter's condition which included Spina Bifida in its most severe level referred to as Myelomeningocele with pronounced hydrocephalus which is a build up of cerebra which is a buildup of fluid within the cranium. After answering questions from Committee members, Mr. Mosher was thanked for his testimony. ([Attachment 2](#))

Lyndsey Stauble, ProKanDo, gave testimony concerning Operation Rescue's website and a photo of her entering the clinic. She stated that sensationalism and "supposed" wrong-doing have no place in the law. ([Attachment 3](#))

ProKanDo was represented by Julie Burkhart who is an opponent of **HB 2736**. Ms. Burkhart thinks that while these bills speak in abstracts, the people affected have to live with the very real and very difficult ramifications. She states that most of us have never been faced with the painful and difficult decisions faced by uncounted families every year. She concluded by saying that each family simply wants to make the best decisions for them at that moment in time. ([Attachment 4](#))

Ms. Burkhart supplied a copy of a DVD which was distributed to the Committee. Ms. Burkhart explained that the DVD was of the experience of a couple who had to a very difficult decision to make regarding their unborn child. Mariam was 27 weeks along in her pregnancy with a nonviable fetus. (On file in room 161-W) The Chairman encouraged the Committee members to view the DVD.

Chairman Siegfried asked Ms. Burkhart if she was also in opposition of **HB 2615**. Ms. Burkhart answered that she was only testifying against **HB 2736**. After answering questions from the Committee members, Ms. Burkhart was thanked for her testimony.

A copy of the Kansas Department of Health Report of Induced Termination of Pregnancy form that was asked to be submitted by the Committee was obtained and distributed. ([Attachment 5](#))

Chairman Siegfried closed the hearing on **HB 2615** and **HB 2736**. The meeting was adjourned.

Written Testimony was submitted by:

Holly Weatherford, Planned Parenthood of Kansas and Mid-Kansas ([Attachment 6](#))

Pedro Luis Irogonegaray, Attorney at Law ([Attachment 7](#))