

HOUSE BILL No. 2749

AN ACT concerning abortion; relating to reports on abortions performed in this state; requiring the reporting of the reasons for each abortion performed at a medical care facility or by a healthcare provider; amending K.S.A. 2023 Supp. 65-445 and repealing the existing section.

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

Section 1. K.S.A. 2023 Supp. 65-445 is hereby amended to read as follows: 65-445. (a) Every medical care facility shall keep written records of all pregnancies that are lawfully terminated within such medical care facility and shall ~~annually~~ submit a written report thereon *biannually* to the secretary of health and environment in the manner and form prescribed by the secretary. Every person licensed to practice medicine and surgery shall keep a record of all pregnancies that are lawfully terminated by such person in a location other than a medical care facility and shall ~~annually~~ submit a written report thereon *biannually* to the secretary of health and environment in the manner and form prescribed by the secretary.

(b) Each report required by this section shall include the number of pregnancies terminated during the period of time covered by the report, the type of medical facility ~~in which~~ *where* the pregnancy was terminated, information required to be reported under K.S.A. 65-6703(b) and (c), 65-6705(j), 65-6721(c) and 65-6724, and amendments thereto, if applicable to the pregnancy terminated, information required to be reported under K.S.A. 2023 Supp. 65-6758, and amendments thereto, and such other information as may be required by the secretary of health and environment, ~~but~~. The report shall not include the names of the persons whose pregnancies were so terminated or upon whom an attempted abortion was performed. Each report required by K.S.A. 65-6703(b) and (c), 65-6705(j) and 65-6721(c), and amendments thereto, shall specify the medical diagnosis and condition constituting a substantial and irreversible impairment of a major bodily function or the medical diagnosis and condition that necessitated performance of an abortion to preserve the life of the ~~pregnant woman~~ *patient*. Each report required by K.S.A. 65-6703, and amendments thereto, shall include a sworn statement by the physician performing the abortion and the referring physician that such physicians are not legally or financially affiliated.

(c) *Except in the case of a medical emergency, as defined in K.S.A. 65-6701, and amendments thereto, each patient shall be asked, prior to the termination of such patient's pregnancy, which of the following reasons was the most important factor in such patient's decision to seek an abortion:*

- (1) *Having a baby would interfere with the patient's education, employment or career;*
 - (2) *the patient cannot provide for the child;*
 - (3) *the patient already has enough, or too many, children;*
 - (4) *the patient's husband or partner is abusive to such patient or such patient's children;*
 - (5) *the patient's husband or partner wants such patient to have an abortion;*
 - (6) *the patient does not have enough support from family or others to raise a child;*
 - (7) *the pregnancy is the result of rape;*
 - (8) *the pregnancy is the result of incest;*
 - (9) *the pregnancy threatens the patient's physical health;*
 - (10) *the pregnancy threatens the patient's mental or emotional health; or*
 - (11) *the child would have a disability.*
- If the patient declines to answer, such response shall be recorded.*
- (d) *Each report required by this section shall include, for the*

period of time covered by the report:

(1) *The number of times each of the reasons listed in subsection (c) was described as the most important; and*

(2) *the number of times a patient seeking an abortion was asked about the reasons listed in subsection (c) and declined to answer.*

(e) *Each report required by this section shall include:*

(1) *The patient's age in years on the patient's last birthday;*

(2) *the patient's marital status at the time of the abortion;*

(3) *the state or United States territory of residence of the patient or, if the patient is not a resident of the United States, the patient's country of residence;*

(4) *the patient's race and, if applicable, the hispanic origin of the patient;*

(5) *the highest level of education completed by the patient;*

(6) *whether, in the 30 days prior to the abortion, the patient received services, financial assistance, excluding financial assistance in obtaining an abortion, or other assistance from a nonprofit organization that supports pregnant women;*

(7) *whether the patient reported having experienced domestic violence in the 12 months prior to the abortion;*

(8) *whether the patient is living in a place that the patient considers to be safe, stable and affordable;*

(9) *whether a report of physical, mental or emotional abuse or neglect was made pursuant to K.S.A. 38-2223, and amendments thereto, where the patient was the victim of such physical, mental or emotional abuse or neglect; and*

(10) *the method by which the abortion was performed on the patient.*

(f) Information obtained by the secretary of health and environment under this section shall be confidential and shall not be disclosed in a manner that would reveal the identity of any person licensed to practice medicine and surgery who submits a report to the secretary under this section or the identity of any medical care facility that submits a report to the secretary under this section, except that such information, including information identifying such persons and facilities may be disclosed to the state board of healing arts upon request of the board for disciplinary action conducted by the board and may be disclosed to the attorney general or any district or county attorney in this state upon a showing that a reasonable cause exists to believe that a violation of this act has occurred. Any information disclosed to the state board of healing arts, the attorney general or any district or county attorney pursuant to this subsection shall be used solely for the purposes of a disciplinary action or criminal proceeding. Except as otherwise provided in this subsection, information obtained by the secretary under this section may be used only for statistical purposes and such information shall not be released in a manner that would identify any county or other area of this state in which the termination of the pregnancy occurred. A violation of this subsection ~~(e)~~ (f) is a class A nonperson misdemeanor. The provisions of this subsection shall expire on July 1, ~~2028~~ 2029, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, ~~2028~~ 2029.

~~(d)~~(g) In addition to such criminal penalty under subsection ~~(e)~~ (f), any person licensed to practice medicine and surgery or medical care facility whose identity is revealed in violation of this section may bring a civil action against the responsible person or persons for any damages to the person licensed to practice medicine and surgery or medical care facility caused by such violation.

~~(e)~~(h) For the purpose of maintaining confidentiality as provided by subsections ~~(e)~~ (f) and ~~(d)~~ (g), reports required by this section shall identify the person or facility submitting such reports only by confidential code number assigned by the secretary of health and environment to such person or facility and the department of health and environment shall maintain such reports only by such number.

~~(f)~~(i) The ~~annual~~ *biannual* public report on abortions performed in Kansas issued by the secretary of health and environment shall contain the information required to be reported by this section to the extent such information is not deemed confidential pursuant to this section. *Such biannual report shall be issued not later than 30 days after the end of the reporting period for the information contained in such report.* The secretary of health and environment shall adopt rules and regulations to implement this section. Such rules and regulations shall prescribe, in detail, the information required to be kept by the physicians and hospitals and the information required in the reports that must be submitted to the secretary.

~~(g)~~(j) The Kansas department for children and families shall prepare and publish an annual report on the number of reports of child sexual abuse received by the department from abortion providers. Such report shall be categorized by the age of the victim and the month the report was submitted to the department. The name of the victim and any other identifying information shall be kept confidential by the department and shall not be released as part of the public report.

(k) *The provisions of this section are declared severable. If any provision, phrase or clause or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the remaining provisions, phrases or clauses or the application thereof to any person or circumstance.*

Sec. 2. K.S.A. 2023 Supp. 65-445 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.