

Proponent, SB 95

February 2, 2015

Good afternoon Chairman Pilcher-Cook and committee,

I am Kathy Ostrowski, legislative director for Kansans for Life, here to testify about SB 95, the Unborn Child Protection from Dismemberment Abortion Act. This is model legislation carefully crafted by the National Right to Life Committee and tailored for Kansas.

The focus of this bill is the small, living, human unborn child facing a brutal and inhumane dismemberment abortion.

Before the first trimester ends, (*demonstrate with 14 wk. LMP actual size model*) the unborn child has a beating heart, brain waves, fingerprints and every organ system in place. She can turn her head... frown... kick ... swim... even grasp objects placed in her hand. This information is no secret since ultrasounds have become a routine part of pregnancy care.

In fact, a 2010 research project used 4-D ultrasound to carefully monitor twin babies in utero from the 14th-18th week and concluded that unborn twins execute purposeful movements specifically aimed at the co-twin that were not accidental, including stroking each other for 30% of each day! [Castiello, U. et al; DOI.10.1371/journal.pone.0013199, 2010]

The unborn child from 13 -22 weeks gestation (see images, attachment 1) will grow from 4 ½ to 10 inches in length (*demonstrate with 20 wk. LMP actual size model*) and is too large to be aborted via suction tube.

Abortions are illegal in Kansas from 22 weeks gestation forward due to the unborn child's pain capability but research continues to show that the physical structures and 'wiring' for pain are functioning before then. Connections between the spinal cord and the thalamus, the region of the brain largely responsible for pain perception in both the unborn child and the adult, begin to form around 12 weeks and are completed by 18 weeks. [Kostovic I, Goldman-Rakic PS: J Comp Neurol 219:431-447, 1983]

According to the Kansas Department of Health and Environment, 578 abortions were performed in Kansas in 2013, using what is termed the "D&E" (dilation & extraction/dilation & evacuation) abortion method. (see chart, attachment 2) That amounted to 7.8% of total recorded Kansas abortions that year.

In a dismemberment abortion, the abortionist uses "clamps, grasping forceps, tongs, scissors or similar instruments," to repeatedly enter the mother's womb and tear off and remove parts of a living unborn child's body, piece by piece, including crushing and extracting the skull. (see diagram, attachment 3)

In *Stenberg v Carhart*, Justice Anthony Kennedy observed that in D&E dismemberment abortions, "The fetus, in many cases, dies just as a human adult or child would: It bleeds to death as it is torn limb from limb. The fetus can be alive at the beginning of the dismemberment process and can survive for a time while its limbs are being torn off."

The contemplation of just one such act is breath-taking, especially in a society that criminalizes animal

cruelty. Even now, in this legislative session, House Bill 2030 is being considered, advocating the most humane and painless way to euthanize pets.

The United States Supreme Court in *Gonzales v. Carhart* described dismemberment abortions as a procedure that is “laden with the power to devalue human life,” and pointed out, “the standard D&E is in some respects as brutal, if not more,” than the partial-birth abortion method.

The Court in *Gonzales* said, “the State may use its regulatory power to bar certain procedures and substitute others, all in furtherance of its legitimate interests in regulating the medical profession in order to promote respect for life, including life of the unborn.”

Gonzales upheld the ban on partial-birth method abortions citing the findings of Congress that “not to prohibit it will further coarsen society to the humanity of not only newborns, but all vulnerable and innocent human life, making it increasingly difficult to protect such life.”

In essence, the Supreme Court ruled that a method of abortion could be banned if other methods were available. Other abortion methods *are* available for second-trimester abortion (see chart, attachment 2).

Abortion by dismemberment is currently the standard for second-trimester abortion in Kansas, but perhaps that is because it is the “most cost-effective” and avoids a “prolonged labor” experience, according to the 2009 National Abortion Federation Abortion Training Textbook’s chapter on D&E.

We are not suggesting that some methods of abortion are morally acceptable. But because it is not legally feasible to ban all abortion, Kansans for Life is recommending that Kansas follow the signals given by the *Gonzales* Court and apply the rationale they used --strike down at least one particularly dehumanizing, and excruciatingly painful, method of killing unborn children.

SB 95 carefully delineates dismemberment abortion to exclude suction abortion. In addition, SB 95 includes a medical emergency exception, criminal and civil penalties, and privacy protection for court proceedings.

Kansans for Life urges committee members to pass the bill out favorably. Thank you, I stand for your questions.

Attachment 1- Ultrasound images of unborn children at 14wk, 16wk, and 20wk LMP



Table 42
Total Reported Abortions by Termination Procedure
by Weeks Gestation
Kansas, 2013

Termination Procedure	Total	Weeks Gestation					
		Under 9	9-12	13-16	17-21	22 & Over	n.s.*
Total	7,485	4,938	1,738	515	290	2	2
Suction Curettage	3,982	2,093	1,666	219	4	0	0
Sharp Curettage	9	8	0	0	1	0	0
Dilation & Evacuation	585	1	3	296	282	1	2
Medical Procedure I [†]	2,903	2,833	69	0	1	0	0
Medical Procedure II [‡]	0	0	0	0	0	0	0
Intra-Uterine Prostaglandin Instillation	0	0	0	0	0	0	0
Hysterotomy	0	0	0	0	0	0	0
Hysterectomy	0	0	0	0	0	0	0
Digoxin/Induction	0	0	0	0	0	0	0
"Partial Birth" Procedure	0	0	0	0	0	0	0
Other [§]	6	3	0	0	2	1	0
n.s.	0	0	0	0	0	0	0

* The not stated (N.S.) represent patients who refused to provide information or information not collected by other states.

Attachment 3- Medical Illustration <http://www.nrlc.org/abortion/pba/deabortiongraphic/>
Dilation and Evacuation Abortion (D&E) of a 23 Week Old Fetus

