

## Senate Substitute for HOUSE BILL No. 2819

By Committee on Federal and State Affairs

4-11

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AN ACT concerning operating standards for abortion clinics; relating to the powers and duties of the secretary of health and environment.

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

Section 1. As used in this act:

(a) "Abortion clinic" means a facility, other than an accredited hospital, in which five or more first trimester abortions in any month or any second or third trimester abortions are performed.

(b) Words and phrases used in this section shall have the meanings respectively ascribed thereto by K.S.A. 65-6701, and amendments thereto.

Sec. 2. (a) In order to promote the safe and adequate treatment of patients at abortion clinics and in the interest of the public health, safety and welfare and subject to the provisions of subsection (b), the secretary shall adopt rules and regulations establishing operating standards for abortion clinics. Such rules and regulations may include standards relating to:

- (1) The physical facilities of an abortion clinic.
- (2) Supplies and equipment, including supplies and equipment that may be required to be available for immediate use or in an emergency.
- (3) Personnel at an abortion clinic.
- (4) Medical screening and evaluation of each abortion clinic patient.
- (5) Recovery room requirements.
- (6) Follow-up visits.
- (7) Reporting of incidents of injury to or death of a patient.
- (8) Any other rules and regulations deemed necessary by the secretary.

(b) The secretary shall adopt all rules and regulations required or authorized by subsection (a) in consultation with the Kansas medical society and other interested groups or persons.

(c) The secretary shall adopt the rules and regulations required by subsection (a) on or before January 1, 2003.

Sec. 3. The rules and regulations adopted by the secretary pursuant to this act shall not limit the ability of a physician or other health care provider to advise a patient on any health issue.

1 Sec. 4. The provisions of this act and the rules and regulations  
2 adopted pursuant thereto shall be in addition to any other laws and rules  
3 and regulations which are applicable to facilities defined as abortion clin-  
4 ics under this section.

5 Sec. 5. Any abortion clinic which is in operation on the effective date  
6 of any rules and regulations adopted pursuant to this act shall be given a  
7 reasonable time under the particular circumstances, not to exceed six  
8 months from the effective date of such rules and regulations, within which  
9 to comply with such rules and regulations.

10 Sec. 6. The secretary may make or cause to be made such inspections  
11 and investigations as deemed necessary to insure compliance with the  
12 rules and regulations adopted pursuant to this act.

13 Sec. 7. (a) Except as provided in subsection (b), information received  
14 by the secretary through filed reports, inspections or as otherwise au-  
15 thorized under this act, shall not be disclosed publicly in such manner as  
16 to identify individuals.

17 (b) The following information may be disclosed publicly in such a  
18 manner as to identify individuals or medical care facilities: Information  
19 received by the secretary through filed reports, inspections or as other-  
20 wise authorized under this act, in a proceeding involving the question of  
21 licensure under any other law.

22 Sec. 8. Violation of this act or any rules and regulations adopted pur-  
23 suant thereto is a class B person misdemeanor.

24 Sec. 9. In addition to any other penalty provided by law, whenever  
25 the secretary determines any person has engaged, or is about to engage,  
26 in any acts or practices which constitute, or will constitute, a violation of  
27 this act, or any rule and regulation adopted pursuant thereto, the secretary  
28 may make application to a court of competent jurisdiction for an order  
29 enjoining such acts or practices. Upon a showing by the secretary that  
30 such person has engaged, or is about to engage, in any such acts or prac-  
31 tices, an injunction, restraining order or such other order as may be ap-  
32 propriate shall be granted by such court without bond.

33 Sec. 10. This act shall take effect and be in force from and after its  
34 publication in the statute book.

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