

HOUSE BILL No. 2851

By Representative Long-Mast

2-11

9 AN ACT concerning crimes and punishment; relating to giving birth
10 without medical assistance.

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

13 Section 1. (a) Unlawfully giving birth without medical assistance is
14 giving birth to a fetus and intentionally refusing medical assistance or
15 refusing to seek medical assistance from a health care provider immedi-
16 ately after such birth if the fetus does not survive for 48 hours.

17 (b) Knowledge of a person unlawfully giving birth without medical
18 assistance is:

19 (1) Knowing that a person has given birth to a fetus and intentionally
20 refused medical assistance or refused to seek medical assistance from a
21 health care provider immediately after such birth if the fetus does not
22 survive for 48 hours; and

23 (2) failing to immediately contact a law enforcement agency or emer-
24 gency medical services.

25 (c) It shall not be a defense to charges arising under this section that
26 the defendant believed that the fetus was dead at birth or died before
27 the defendant sought medical assistance.

28 (d) Violation of this section shall be a severity level 2, person felony.

29 (e) As used in this section:

30 (1) "Health care provider" means a person licensed to practice med-
31 icine and surgery by the state board of healing arts, a person who holds
32 a temporary permit to practice medicine and surgery issued by the state
33 board of healing arts, a person engaged in a postgraduate training pro-
34 gram in medicine and surgery approved by the state board of healing arts,
35 a medical care facility licensed by the department of health and environ-
36 ment, a licensed professional nurse, a licensed practical nurse, a licensed
37 physician assistant, a professional corporation organized pursuant to the
38 professional corporation law of Kansas by persons who are authorized by
39 such law to form such a corporation and who are health care providers
40 as defined by this subsection, a Kansas limited liability company organized
41 for the purpose of rendering professional services by its members who
42 are health care providers as defined by this subsection and who are legally
43 authorized to render the professional services for which the limited lia-

1 bility company is organized, a partnership of persons who are health care
2 providers as defined by this subsection or a Kansas not-for-profit corpo-
3 ration organized for the purpose of rendering professional services by
4 persons who are health care providers as defined by this subsection.

5 (2) "Emergency medical services" has the meaning ascribed thereto
6 in K.S.A. 65-6112, and amendments thereto.

7 (3) "Fetus" means a 24 week or more term fetus delivered and no
8 longer in the womb.

9 (f) The section shall be part of and supplemental to the Kansas crim-
10 inal code.

11 Sec. 2. This act shall take effect and be in force from and after its
12 publication in the statute book.