

MINUTES OF THE SENATE PUBLIC HEALTH AND WELFARE COMMITTEE

The meeting was called to order by Chairman James Barnett at 3:38PM on May 5, 2006 in Room 241-N of the Capitol.

All members were present except:  
Pete Brungardt

Committee staff present:  
Emalene Correll, Kansas Legislative Research Department  
Terri Weber, Kansas Legislative Research Department  
Norm Furse, Office of Revisor of Statutes  
Diana Lee, Office of Revisor of Statutes  
Morgan Dreyer, Committee Secretary

Conferees appearing before the committee:  
Kathy Ostrowski, Legislative Director for Kansans for Life and State Affiliate of the National Right to Life Committee

Others attending:  
See attached list.

**Discussion on SB 537—An act concerning public health; relating to vaccinations**

Upon calling the meeting to order, Chairman Barnett asked Norm Furse to review the bill and read and explain the new language of **SB 537**. Norm stated that he had not received any language to review with the Committee.

The Chair recognized Emalene Correll who stated information researched about other States that had this bill and made comparisons for the Committee. Chairman Barnett stated he would like for Emalene to type up her researched information for the Committee to view.

Questions for Emalene came from Senators Haley, and V. Schmidt regarding information Emalene stated about the State of Missouri, requesting written research of the State comparisons from Emalene, and request of an interim Committee.

Chairman Barnett called upon Norm Furse to review and explain the language of Senator Hensley's language on **SB 537** that was just handed out to the Committee. A copy of the language is (Attachment 1) attached hereto and incorporated into the Minutes as referenced.

The Chair made suggestions to consider; adding the amendatory language from Section 1 that is outlined on the balloon; have Emalene do further research and make recommendations about simplification of the process for exemptions looking at other states; have the Committee look at the language which is the inform consent; strike Section 2; and strike the penalty clause on Section 4.

Comments came from Senators Wagle, Barnett, Jordan, Palmer, and Emalene Correll regarding the suggestion of an interim Committee for **SB 537**, no other State having language like section 3 in the bill, striking section 3, request to see the bill be cleaned up before making an action on the bill, and snake vaccinations.

**Hearing on HB 2792—An act relating to abortions; concerning minors**

The Chair called upon Terri Weber to review and explain the bill for the Committee.

Chairman Barnett then opened the hearing on **HB 2792**.

The Chair called upon the first proponent conferee, Kathy Ostrowski, Legislative Director for Kansans for Life, and State Affiliate of the National Right to Life Committee who stated that in cases where the pregnancy results from unlawful conduct by adult men, **HB 2792** will provide greater assurances that unlawful acts will come to the attention of law enforcement officials so that perpetrators can be prosecuted. **HB 2792** addresses

## CONTINUATION SHEET

MINUTES OF THE Senate Public Health and Welfare Committee at 3:38PM on May 5, 2006 in Room 241-N of the Capitol.

these provisions of abortion law 65-6704 and 65-6705. A copy of her testimony is (Attachment 2) attached hereto and incorporated into the Minutes as referenced.

Questions came from Senator Haley regarding the age of a minor.

Chairman Barnett then called upon opponent conferee Jenna Mackie, ProKanDo who stated concerns with invasion of privacy, disability status, and availability to the public. No written testimony was provided.

Questions came from Senators Haley and Barnett regarding age of a minor, if the reported information would be published through web sites, and restricted viewing by the Attorney General.

The Chair then, as reminded by Senator Haley, stated that written testimony was offered to the Committee by Senator Pyle requesting the Committee's approval of the bill. A copy of his testimony (Attachment 3) attached hereto and incorporated into the Minutes as referenced.

The motion was made by Senator Journey to advance the bill out favorably. It was seconded by Senator Gilstrap.

Comments came from Senators Haley, Journey, and Norm Furse regarding concern with the age of a minor and a mature minor, parental consent of a minor, and court ability to waive parental consent for a mature minor.

The Chair asked the Committee to vote on the motion made by Senator Journey. The motion carried.

The Chair recognized Senator Haley who would like his no vote to be recorded.

### **Adjournment**

As there was no further business, the meeting was adjourned at 4:41 p.m.

Sign In

PH & W  
5/5/06

Albert W. Burgstaller

Linda Weinmaster

Jelly Pelt

Donald Bonshaw

Brenda E. Walker

Phil Huerbel

Dan Morin

KDHE

FAT HURLEY & Co / KAFF  
Kansas Medical Society

Session of 2006

**SENATE BILL No. 537**

By Senator Hensley

2-9

9 AN ACT concerning public health, relating to vaccinations.

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

11 ~~Section 1~~ (a) On and after January 1, 2007, no person who is eight  
12 years of age or younger or who is knowingly pregnant shall be vaccinated  
13 in this state with a vaccine containing more than 0.5 micrograms of mer-  
14 cury per 0.5 milliliter dose.

15 (b) The secretary of health and environment may exempt the use of  
16 a vaccine from this section if the secretary finds, and the governor con-  
17 curs, that an actual or potential bioterrorist incident or other actual or  
18 potential public health emergency, including an epidemic or shortage of  
19 supply of a vaccine that would prevent children eight years of age or  
20 younger and knowingly pregnant women from receiving the needed vac-  
21 cine, makes necessary the administration of a vaccine containing more  
22 than 0.5 micrograms of mercury per 0.5 milliliter dose. The exemption  
23 shall meet all of the following conditions:

24 (1) It shall not be issued for more than 12 months.

25 (2) At the end of the effective period of the exemption, the secretary  
26 may issue another exemption for up to 12 months for the same incident  
27 or public health emergency, if the secretary makes a determination that  
28 the exemption is necessary as set forth in this subsection and the governor  
29 concurs with the exemption.

30 (3) The secretary notifies the legislature and interested parties about  
31 the exemption pursuant to paragraphs (4), (5) and (6).

32 (4) Upon issuing an exemption, the secretary and the governor shall,  
33 within 48 hours, notify the legislature about the exemption and about the  
34 secretary's findings justifying the exemption's approval.

35 (5) Upon request for an exemption, the secretary shall notify inter-  
36 ested parties, who have expressed their interest to the secretary in writing,  
37 that an exemption request has been made.

38 (6) Upon issuing an exemption, the secretary shall, within seven days,  
39 notify interested parties, who have expressed their interest to the secre-  
40 tary in writing, about the exemption and about the secretary's findings  
41 justifying the exemption approval.

42 (c) Should the secretary of health and environment pursuant to sub-  
43

Senator Hensley  
Balloon Amendment  
April 19, 2006

z537h1.pdf

Section 1. (a) The legislature:

- (1) Finds that immunizations are among the most effective preventative measures to preserve and protect public health;
  - (2) recognizes public concern regarding the use of the mercury-derived preservative thimerosal in vaccines;
  - (3) finds that lingering public concerns about the safety of vaccines may be remedied by the removal of thimerosal from vaccines where such removal can be accomplished without injury to the public health or diminution in the available supply of vaccines;
  - (4) endorses in the strongest possible terms the childhood and adult vaccination schedules promulgated by the Advisory Committee on Immunization Practices and the American Academy of Pediatrics; and
  - (5) urges Kansans to comply with these recommendations.
- (b) It is the intent of the legislature to minimize public fear and to increase public confidence in the safety of Kansas' vaccine supply by explicitly limiting the mercury content of vaccines where substitutes are available.

Sec. 2.

Senate Public Health & Welfare  
Committee

Date: May 5, 2006  
Attachment #1

SB 537

2

1 section (b) authorize the use of a vaccine containing more mercury than  
 2 the level described in subsection (a), the vaccine may be administered to  
 3 a child of eight years of age or younger upon the informed consent of the  
 4 parent to the administration of such vaccine to the parent's child or to a  
 5 knowingly pregnant woman who provides ~~an~~ informed consent to the  
 6 administration of such vaccine.  
 7 ~~Sec. 2. On and after July 1, 2008, no vaccine ~~or other drug~~ admin-~~  
 8 ~~istered in the state shall contain any level of mercury.~~  
 9 ~~Sec. 3. The department of health and environment shall establish~~  
 10 ~~procedures for the random testing of vaccines and other drugs in this~~  
 11 ~~state to determine the amount of mercury contained therein. The de-~~  
 12 ~~partment shall semiannually report its findings, by manufacturer, prod-~~  
 13 ~~uct name, lot number, lot expiration date, and in micrograms of mercury~~  
 14 ~~per milliliter or gram of vaccine or other drug, to the citizens of this state~~  
 15 ~~by posting such findings on its website.~~  
 16 Sec. 4. A person who knowingly administers a vaccine or other drug  
 17 in violation of this act is guilty of a class C misdemeanor. Such person  
 18 may also be civilly liable under the act. Any person awarded damages in  
 19 a civil action arising from a violation of the act shall be entitled to reim-  
 20 bursement for reasonable attorney fees and court costs.  
 21 Sec. 5. This act shall take effect and be in force from and after Jan-  
 22 uary 1, 2007, and its publication in the statute book.

written and signed

a written and signed

Such written informed consent, at a minimum, shall include a statement that the person signing the informed consent has been informed that the vaccine contains more than 0.5 micrograms of mercury per 0.5 milliliter dose; shall state the possible risks of receiving the vaccine containing the higher level of mercury; and shall state that the person signing the informed consent understands and accepts the risks and consents to the vaccination being given to the child or pregnant woman.

Sec. 3.



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 2501 East Central  
 Wichita, KS 67214  
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**Legislative Office**  
 929-A So. Kansas Ave.  
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 7808 Foster  
 Overland Park, KS 66204  
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1-800-928-LIFE (5433) [www.kfl.org](http://www.kfl.org)

**Proponent - HB 2792, Teen Protection Act**

May 5, 2006  
 House Federal State Affairs Committee  
 Chairman Jim Barnett, M.D.

Good afternoon Chairman Barnett and members of this committee, I am Kathy Ostrowski, Legislative Director for Kansans for Life, state affiliate of the National Right to Life Committee. I am here to voice our support for HB 2792, the Teen Protection Act.

The state has an interest in promoting the health and safety of young girls experiencing an unplanned pregnancy, as well as the interests of the parents seeking to provide support and guidance to their minor daughters during this difficult time.

In cases where the pregnancy results from unlawful conduct by adult men, HB 2792 will provide greater assurances that unlawful acts will come to the attention of law enforcement officials so that perpetrators can be prosecuted. HB 2792 addresses these provisions of abortion law 65-6704 and 65-6705.

- ▶ A parent or guardian, or a person 21 or more years of age who is not associated with the abortion provider and who has a personal interest in the minor's well-being, shall accompany the minor and be involved in the minor's decision-making process regarding whether to have an abortion.
- ▶ the minor may petition, on her own behalf or by an adult of her choice,
- ▶ the district court of any county of this state for a waiver of the notice requirement of this subsection.
- ▶ If the minor so desires, the counselor who counseled the minor as required by K.S.A. 65-6704 shall notify the court and the court shall ensure that the minor or the adult petitioning on the minor's behalf is given assistance in preparing and filing the application.
- ▶ (b) The minor may participate in proceedings in the court on the minor's own behalf or through the adult petitioning on the minor's behalf. The court shall provide a court-appointed counsel to represent the minor at no cost to the minor.
- ▶ (c) Court proceedings under this section shall be anonymous and the court shall ensure that the minor's identity is kept confidential. The court shall order that a confidential record of the evidence in the proceeding be maintained. All persons shall be excluded from hearings under this section except the minor, her attorney and such other persons whose presence is specifically requested by the applicant or her attorney.
- ▶ Granting the minor's application for waiver of notice pursuant to this section, if the court finds that the minor is mature and well-enough informed to make the abortion decision without notice to a person specified in subsection (a);
- ▶ (2) granting the minor's application for waiver if the court finds that the minor is immature but that notification of a person specified in subsection (a) would not be in the minor's best interest; or
- ▶ (j) (1) No notice shall be required under this section if: (A) The pregnant minor declares that the father of the fetus is one of the persons to whom notice may be given under this section;

Studies consistently show that infants born to high-school aged mothers are fathered by adult men, not similarly aged boys. Other studies show that a majority of girls having sex at age 15 or under were raped or coerced. (*see statutory rape, attachment A, and protecting children, attachment B*)

An adult male who has criminally impregnated a minor should not be allowed to manipulate the state

*Senate Public Health & Welfare Committee*



**Kansas Affiliate of the National Right to Life Committee**

With over 50 chapters across the state of Kansas

*Date: May 5, 2006  
 Attachment # 2*

abortion law to shield his crimes. This has been happening across the U.S., and it may be occurring here. In abortion clinics nationwide, however, predators and their friends and relatives have masqueraded as the teen's blood relative or best friend. (*see predators, attachment C*)

In Kansas, a teen seeking an abortion is supposed to be accompanied by an adult with her best interests, which may or may not be a family member. The Teen Protection Act, HB 2792, would require that an appropriate ID be shown by the pregnant teen and her companion to the abortion clinic staff. It would also require the companion to declare his or her relationship to the pregnant teen, and any known connection to the presumed father of the unborn.

30 states have parental involvement laws, requiring consent or notification of at least one parent before an abortion can be performed on a minor. However, there is no law to prevent an adult from taking a child to a state in which these parental laws are weaker, or not in existence. The proposed federal Child Custody Protection Act would make it a crime to take teens out of state for this purpose, and although this bill has repeatedly been passed in the U.S. House, it is stalled in the U.S. Senate. HB 2792 would allow parents to sue clinics for violations of their parental rights.

Taking minors out of state to a state with "easier" or non-existent parental involvement laws has become a serious problem for Missouri and they passed a law last year to address it. The Missouri law allows parents to sue abortion facilities or their staff when they help a teenager get a secret abortion out of state. It has been ruled Constitutional in its first challenge.

This Missouri law is pertinent to Kansas abortionists because more Missouri teens are aborted here in Kansas than are Kansas teens. (*see chart D*) Missouri has a "tougher" parental involvement law than Kansas: Missouri requires minors to obtain parental consent from one parent while Kansas requires notice to one parent prior to abortion of a minor. (*Interestingly, recent figures obtained from KDHE show a significant reduction in Missouri teens receiving Kansas abortions. In 2004 there were 330, and in 2005, 285. This may reflect the new law or may be a temporary drop.*)

The 1992 abortion law included provisions for minors to include a judicial bypass, or waiver, of parental notice. The teen's father would not be notified if he was the unborn baby's father. The legislative intent of parental waiver appears to have been mischaracterized by some abortionists over the years. (*see aid for women, E*)

Under HB 2792, the judge conducting the bypass procedure will be required to report suspicion of sexual abuse, incest, etc. to the proper authorities. The legislative intent of concern for minors is enhanced by having the judge assess the teen's individual situation which becomes revealed in the confidential bypass court proceedings. HB 2792 helps the state remove a pregnant teen from an abusive environment, not just grant a secret abortion. After all, what good is served by having a judge learn of an abusive situation and then sending the teen back to endure further abuse?

No statistics are available from these last 15 years on how often the Kansas courts are petitioned for these waivers, or how often the waivers have been granted. Alabama, Michigan, North Carolina, South Dakota and Wisconsin all have bypass reporting.

HB 2792 will yield statistics, guarded for privacy, on the number of bypasses granted, as well as the number of other actions taken by the court if it has reason to believe the pregnant teen seeking a waiver is experiencing abuse.

The Teen Protection Act, HB 2792, will assist parents whose rights have been intentionally violated by abortionists and their staff. Parents (or guardian) will not be required to pay for abortion-caused damage if they are unaware of their daughter's abortion. Hospitals by law must admit anyone who needs treatment, including an injured teen who had obtained a waiver from notifying her parents based on "maturity" or other reason ruled by the judge to be in the teen's "best interest." This provision was added by the House Federal State Affairs Committee when working the bill.

### **Answering objections & misinterpretations**

#### **1. Statistical notation as to disability is not a civil rights violation**

The reporting of dis-identified information from the bypass procedure to KDHE will assist in public policy making. The inclusion of the teen's disability, if any, has no furtive meaning but it has interest from a health policy perspective. Disclosure of a significant disability, either readily apparent or disclosed to the judge in private, does not inhibit or promote, on its face, the decision to obtain either a by-pass or the abortion.

#### **2. Teen Identification is not a burden**

If the parent or guardian brings a teen in for an abortion, identification, birth certificate, school records, etc are not problematic. Abortion clinics already are securing identification--certainly no bona-fide medical clinic would give anonymous surgery. True addresses are needed to make medical arrangements for any abnormality, including retained pregnancy from an incomplete abortion, for which patient follow up is essential. Additionally, the legally required offer of follow-up counseling requires true contact information.

#### **3. Harassment of judges not the intent or predicted outcome**

The April newsletter of ProKanDo, the political action committee of George Tiller, headed by Julie Burkhart, alleged that HB 2792 would lead to harassment of judges. Anyone who had wanted to pursue such activities could well have targeted judges over the last 15 years in the counties where the most abortions take place. We are unaware of such activities in Kansas or in the other 5 other states with such reporting. While public notice of the numbers of bypasses granted might instill some abortion advocates to protest judges or work to unseat elected ones based on low numbers of bypasses granted, we cannot predict. But public information about how the process is working is valid.

Kansans for Life appreciates emergency consideration of this bill by this committee, in lieu of the continued nationwide occurrence of predators attempting to invalidate protection for teens in abortion clinics. Please pass HB 2792. Thank you, I stand for questions.



# Statutory Rape: The Dirty Secret Behind Teen Sex Numbers

by Gracie Hu, Family Research Council (excerpted)

Contrary to the common perception that teenage sex and pregnancy typically stem from two teenagers getting caught up in the heat of the moment, new research reveals that many teenage girls are being sexually exploited and impregnated by adult men. **Adult men fathered two-thirds of the infants born to school-aged mothers in California in 1993.** On average, these men were 4.2 years older than the senior-high mothers and 6.7 years older than the junior-high mothers.[1]

Likewise, a review of California's 1990 vital statistics found that men older than high school age sired 77 percent of all births to high school-aged girls (ages 16-18) and 51 percent of births to junior high school-aged girls (15 and younger). Men over age 25 fathered twice as many teenage births as did boys under age 18, and men over age 20 fathered five times more births to junior high school-aged girls than did junior high school-aged boys.[2]

**2/3 of births to teenage girls nationwide are fathered by adult men age 20 or older**

Unfortunately, this phenomenon is not limited to the state of California. A recent study by the Population Reference Bureau found that about two-thirds of births to teenage girls nationwide are fathered by adult men age 20 or older.[3]

Additionally, the Alan Guttmacher Institute's 1994 report, "Sex and America's Teenagers," found that six of 10 girls who had sex before age 15 were coerced by males an average of six years their senior.[4] The Urban Institute cites a study showing that "three quarters of females who had sexual intercourse before age 14 reported having had sex involuntarily." [5]

At one time, the picture of teenage pregnancy did look vastly different than it does today. In 1970, seven of 10 teen births were within marriage. Today, the opposite is true -- **seven of 10 teen births are out-of-wedlock**[6] . . . and many are the results of statutory rape and victimization.

Not only is fatherlessness associated with child abuse, but abused children are also more vulnerable to further exploitation, particularly further sexual exploitation, "It shouldn't be hard to see 'why a child who's been molested since age 7 is acting out sexually at age 14.'" Indeed, research shows that teenage mothers whose babies were fathered by adult men are disproportionately the childhood victims of sexual assault by adult men.[15]

A 1992 Washington state study of 535 adolescent mothers found that 62 percent of the teenage mothers had had a history of rape or sexual molestation by men whose ages averaged 27 years.[16] This study found that, compared with non-abused mothers, abused adolescent mothers initiated sex earlier, had sex with much older partners, and engaged in riskier, more frequent, and promiscuous sex.[17]

**62 % of the teenage mothers had had a history of rape or sexual molestation by men whose ages averaged 27 years**

Fatherlessness, however, not only creates the environment for more vulnerable girls, it also helps create more predatory males. Research shows that boys who grow up without fathers are far more likely to engage in violent behavior and promiscuity than those who grow up in two-parent homes. **60 percent of America's rapists grew up in homes without fathers**,[19] fatherless boys exhibit greater aggressiveness or exaggerated masculine behavior, [20] and many predatory adult men may have originated from fatherless families in which they, too, were abused.

Laws against statutory rape were originally designed to protect adolescent girls -- typically aged 16 and under -- from sex under any circumstance, regardless of whether there was "consent." But during the sexual revolution of the 1960s and 1970s, states began to change their laws to reflect more permissive cultural attitudes. (turn page)

First, the age of consent for sexual activity was lowered or altered. In two states, Hawaii and Pennsylvania, 14 years is the age of consent. Many other laws were changed to say that having sex with a young teenage girl was statutory rape, but sex with a girl in her mid-teens was only considered statutory rape if the male was three or four years older than she was. In other words, a 15-year-old girl could have sex with a 15-year-old boy, but not with a 19-year-old man.[30] (See **Kansas statutes.21-3501 thru 3516.**)

Second, lax law enforcement of statutory rape crimes have added fuel to the fire. Few courts have given priority to the prosecution of adults who have sex with minors, prosecutors citing girls often recant or refuse to testify against their adult "lovers," [34] and may also decline to name the father if they fear retaliation.[35]

Third, the law has not always upheld the rights of parents to protect their children's innocence. For example, the federal family planning program -- **Title X of the Public Health Service Act -- undermines parental authority in their children's reproductive health decision-making.** Title X is a categorical grant program which gives federal funds to family planning clinics all around the country. Title X clinics offer contraceptives, pelvic exams, pregnancy tests, screening for sexually-transmitted diseases, and sexual health counseling to minors without parental notification or consent.[37] However, even though the actual law specifies that family participation is to be encouraged, the federal policy guidelines state that clinics receiving Title X support must guarantee patient confidentiality, and this mandate that has been upheld by the courts.[38]

Furthermore, Title X clinics have no provisions regarding the reporting of suspected cases of statutory rape. In fact, these clinics may be indirectly aiding and abetting the problem in at least four ways: (1) the clinic does not involve parents, even in cases where the child is very young and is admittedly "sexually active," (2) the clinic's dispensation of contraceptives can mask a problem that might otherwise be brought to light, (3) clinics will see and treat "any woman, regardless of age," even when that "woman" is 11 or 12 years old,[39] and (4) **counselors are not trained to look for cases of statutory rape nor are they required to report any suspected cases of statutory rape to local law enforcement.**

The most direct way to address the problem of statutory rape is through the law enforcement system. Efforts must also be made to change the rhetoric and perception under which minors are viewed as mature decision-makers. For example, **adolescent girls who have been exploited by adult men are repeatedly referred to as "sexually-experienced women."**[44]

**The U.S. Dept. of Health is conducting an audit this year to see whether Title X family planning providers are obeying State laws requiring mandatory reporting of child molestation.**

The Alan Guttmacher Institute, Planned Parenthood, and other proponents of aggressive marketing of contraceptives and abortions to minor children have consistently refused to use language that reinforces the need for special protection for teenage girls and boys -- especially that provided by their families. The use of "women" in this context serves the purpose of fostering an egalitarian drive to repeal parental rights statutes, but masks the emotional and psychological immaturity that makes sexual activity at this stage of life especially risky.[45]

-----All footnotes available at <http://www.physiciansforlife.org/content/view/455/>

**UPDATE:** The U.S. Dept. of Health & Human Services (Report # 109-143) is concerned about reports that State Attorneys General in several States are requesting records to determine any role family planning providers may have had in failing to report criminal activity such as statutory rape. The appropriations bill has had a longstanding provision (sec. 212 of the fiscal year 2005 bill) and continues the provision in sec. 213 of the fiscal year 2006 bill making clear that **no family planning provider is exempt from any State law** requiring notification or reporting of child abuse, child molestation, sexual abuse, rape or incest. The Committee directs the Office of Population Affairs to send Title X grantees a reminder notification of this Federal requirement, and requests the Secretary to conduct an audit of a sample of Title X recipients to determine compliance with mandatory reporting requirements.

**Kansans for Life supports the Teen Protection Act to improve Kansas' abortion law.**

## AS I SEE IT

# Protecting children from harm

By Phill Kline, Kansas Attorney General

The Center for Reproductive Rights has filed a federal lawsuit arguing that a child's constitutional right to privacy prevents the Kansas Legislature from requiring abortion clinics to report that a child has been raped.

Ellen Goodman recently opined that the lawsuit must be successful in striking down the Kansas law because such reports are counterproductive to healthy child development.

Goodman fails to understand the true nature of this lawsuit and the danger posed to children by adult sexual predatory behavior directed at children.

Kansas has, as do all states in the nation, statutory rape laws making it illegal to have intercourse with children. Although states have varying ages of consent, all states have such limitations.

In Kansas, sexual interaction with children is by law called "sexual abuse," and all medical professionals are required to report such abuse.

As attorney general I was asked whether abortion providers must report the rape of an underage child to state welfare officials when the child presents to receive an abortion. I concluded that since the rape of a child harms a child and is a felony crime in Kansas that the report must be issued.

Immediately abortion providers sued in federal court, contending that the constitutional informational privacy right of the child prevents state law from requiring such reports.

It is important to note that the abortion clinics are not arguing that state policy should change. They are attempting to compel the change they desire by arguing that the constitution prevents the state from acting to protect a 10-, 11-, 12-year-old child when such a child presents for an abortion.

This is a far-reaching constitutional argument that would effectively gut the ability of child welfare officials and law enforcement from acting to protect children and punishing those who engage in predatory activity.

This case is not about, as Goodman would contend, criminalizing necking in the back seat of a car. No one prosecutes truly voluntary activity between two teens or children of a similar age.

What does happen, however, is that while the 11-year-old is seeking an abortion, stating that she "necked" with her boyfriend, the 37-year-old abuser is out in the car, having told her that if she doesn't say that she won't be allowed to come home.

Abortion clinics do not have the resources, training or tools to determine the truth — child welfare officials do.

Perhaps unwittingly, all Goodman has done is participate in the fear tactics commonly employed by those who continually think that we must allow abortion on demand, even for children, at all costs, even at the cost of allowing a child to continue to live in an exploitive and harmful environment.

Children are never prosecuted for being a victim. I often, however, prosecute their rapists.

Since I have served as attorney general, my office has been involved with over 700 cases of adults sexually exploiting children. None of these cases involved "necking," and all involved those with power over children, exploiting the power, exploiting the child and often exploiting the silence of others who knew but did not have the moral fiber to speak.

**Predator's mom deceives clinic, procures secret abortion for teen**

**April 15, 2005** Maria Vitale Gallagher- <http://www.lifenews.com/state995.html>

Granite City, IL (LifeNews.com) – A girl was reportedly **taken to the abortion facility by the mother of the man who allegedly impregnated the 14-year-old**, the Illinois Leader reported. The woman, **posing as the girl's grandmother**, had the girl called off from school. When the girl left the abortion facility after having an abortion, employees told her, "No one will ever know you were here, we'll bury your records."

The girl's parents found out she was not at school and rushed to the abortion clinic but the mother "was told I could not prove my daughter was there so I began calling her name." Authorities were called in and the mother was arrested after she continued to call out her daughter's name and cried out, "Don't do it." While the mother sat in the police car, the father of the baby and his mother who posed as the pregnant underage girl's grandmother (and phoned the high school to cover her absence from school) were sneaked out the back door by abortion employees. -----

**Parents sue for teen's abortion; 'soccer coach' predator masqueraded as step-brother**

**June 29, 2005** Kimball Perry, Cincinnati Post- <http://news.cincypost.com/apps/pbcs.dll/article?AID=/20050629/NEWS01/506290398>

Hamilton County Prosecutor Joe Deters, stopped by an uncertainty over Ohio law, has decided not to seek indictments against Planned Parenthood of Southwest Ohio for performing **an abortion on a 14-year-old girl without her parents' permission or consent**. "The way the law currently is in Ohio, it's easier to get an abortion than to buy a pack of cigarettes," Deters said.

The girl was **13** when she was **impregnated by her 21-year-old soccer coach**, who has since been imprisoned. Planned Parenthood never contacted the girl's parents, Deters said. Because the man told Planned Parenthood workers he was her stepbrother, the agency didn't contact her parents - even though she gave them her father's name and address, the suit noted.

The coach pleaded guilty last year to **seven counts of sexual battery** involving the girl and was sentenced to three years in prison. The girl's parents filed a civil suit, accusing Planned Parenthood of performing an abortion on the teen without notifying them or getting their consent. The suit claims their daughter "did not want to have an abortion." -----

**Parents sue Planned Parenthood for ignoring age of teen**

**Sept. 21, 2005** -Shannon Prather, St. Paul Pioneer Press- <http://www.twincities.com/mld/twincities/12698501.htm>

Anne Doe was three months shy of her 18th birthday when she walked into St. Paul's Planned Parenthood clinic and — unbeknownst to her parents — aborted her pregnancy. Although state law generally requires clinics to notify parents before performing abortions on minors, Planned Parenthood didn't do so in Anne's case. The clinic considered Anne an adult under the law because **she had previously had a baby**. But Anne's parents were upset to learn about the abortion after the fact. They sued Planned Parenthood for violating Minnesota's parental-notification law, seeking damages of more than \$50,000.

Under Minnesota's notification law, first enacted in 1981 and upheld by the U.S. Supreme Court, "unemancipated" minors need to notify both parents 48 hours before receiving an abortion or get a judge's permission. According to the Does, their **daughter was financially dependent on them and still attending high school**. They say they were involved in all aspects of her life, even though the 17-year-old had moved into her own apartment three months before the abortion. "To the best of their knowledge, **this is the only medical, dental or mental health issue about which they were not informed.**" -----

**School district settles lawsuit over secret abortion**

**April, 2000** —Liz Townsend- <http://www.nrlc.org/news/2000/NRL04/pa.html>

Stephanie Carter's parents found out about her abortion only after finding soiled clothes and abortion pamphlets in her closet a few weeks later. "Our grandchild is gone forever, and our daughter will always live with this pain," said Howard and Marie Carter." The Carters' lawsuit alleged that their daughter Stephanie, then **17, got an abortion** at a New Jersey clinic in May 1998 at the **urging of guidance counselor** at Hatboro-Horsham High School and without parental consent.

The family also charged that the counselor used the school district's bank accounts to cash **checks from the baby's father to finance the abortion**, provided excuses so Stephanie could skip school, and drew her a map to the New Jersey clinic. The settlement obligates the school district to ban school personnel from encouraging, assisting, aiding, or abetting a student in obtaining an abortion, and from advising students to cross state lines to get around the parental consent laws. -----

**Kansans for Life supports the TEEN PROTECTION ACT- HB 2792**

Kansas Occurrence Abortions to Women Under 18 by Residence State, 2004

| State              | Age |    |    |     |     |     | Total |
|--------------------|-----|----|----|-----|-----|-----|-------|
|                    | 12  | 13 | 14 | 15  | 16  | 17  |       |
| ALABAMA            | 0   | 0  | 0  | 0   | 0   | 1   | 1     |
| ARKANSAS           | 0   | 1  | 0  | 0   | 0   | 0   | 1     |
| CALIFORNIA         | 0   | 0  | 1  | 1   | 0   | 2   | 4     |
| COLORADO           | 0   | 0  | 0  | 1   | 0   | 1   | 2     |
| CONNECTICUT        | 0   | 0  | 0  | 1   | 0   | 1   | 2     |
| DELAWARE           | 0   | 0  | 0  | 0   | 0   | 1   | 1     |
| FLORIDA            | 1   | 0  | 0  | 0   | 0   | 1   | 2     |
| ILLINOIS           | 0   | 0  | 1  | 1   | 2   | 1   | 5     |
| INDIANA            | 0   | 0  | 0  | 0   | 1   | 0   | 1     |
| IOWA               | 0   | 0  | 0  | 1   | 1   | 3   | 5     |
| KANSAS             | 4   | 7  | 15 | 51  | 99  | 150 | 326   |
| MARYLAND           | 0   | 1  | 0  | 1   | 0   | 1   | 3     |
| MASSACHUSETTS      | 0   | 1  | 0  | 0   | 0   | 1   | 2     |
| MICHIGAN           | 0   | 0  | 0  | 1   | 0   | 0   | 1     |
| MINNESOTA          | 0   | 0  | 0  | 0   | 2   | 3   | 5     |
| MISSOURI           | 2   | 11 | 24 | 54  | 97  | 142 | 330   |
| NEBRASKA           | 0   | 0  | 1  | 0   | 0   | 1   | 2     |
| NEW JERSEY         | 0   | 0  | 0  | 1   | 1   | 2   | 4     |
| NEW MEXICO         | 0   | 0  | 0  | 0   | 1   | 0   | 1     |
| NEW YORK           | 0   | 1  | 0  | 0   | 1   | 2   | 4     |
| OHIO               | 0   | 0  | 1  | 1   | 1   | 0   | 3     |
| OKLAHOMA           | 0   | 0  | 3  | 7   | 11  | 13  | 34    |
| PENNSYLVANIA       | 0   | 0  | 0  | 0   | 1   | 1   | 2     |
| TENNESSEE          | 0   | 0  | 0  | 0   | 0   | 1   | 1     |
| TEXAS              | 0   | 1  | 1  | 2   | 9   | 16  | 29    |
| VERMONT            | 0   | 0  | 0  | 0   | 0   | 1   | 1     |
| VIRGINIA           | 0   | 0  | 0  | 1   | 1   | 0   | 2     |
| WISCONSIN          | 0   | 0  | 0  | 0   | 1   | 1   | 2     |
| PUERTO RICO        | 0   | 0  | 0  | 1   | 0   | 0   | 1     |
| CANADA             | 0   | 0  | 2  | 1   | 1   | 2   | 6     |
| MEXICO             | 0   | 0  | 0  | 0   | 1   | 0   | 1     |
| REMAINDER OF WORLD | 0   | 0  | 0  | 0   | 0   | 1   | 1     |
| Total              | 7   | 23 | 49 | 126 | 231 | 349 | 785   |

Source: Kansas Department of Health and Environment  
 Division of Health - Center for Health and Environment Statistics

# IS THIS WHAT LEGISLATORS INTENDED FOR JUDICIAL BYPASS?

<http://web.archive.org/web/20030621112656/www.aidforwomen.com/afv.htm>

Copy below taken from website of **AID FOR WOMEN CLINIC Kansas City/ Wichita**

As regards legal formalities for abortions, there are forms we need to get to you at least 24 hours prior to your abortion appointment. If you do not have them when you walk in the door we will have to re-schedule you. **You can thank the 'prolifers' for that. Let them know what you think of them next time you see them protesting outside a clinic or hear their self-righteous words in a conversation.** The items you will need are the 24-hour form (as we call it) and access to ("...provide you with...") copies of "If You Are Pregnant", a lovely little 21-page booklet filled with color glossy pictures of *in utero* pregnancies at 2 week increments from start to finish, AND a 64-page directory of abortion alternatives called "If You Are Pregnant: Directory of Available Services". The 'prolifers' forced the **Kansas Department of Health and Environment (KDHE) to publish and distribute these booklets** (at taxpayer expense), and we the provider were expected to absorb the cost of mailing this heavy literature (a half pound!). **You can view our scanned-in copy of "If You Are Pregnant" and still meet the legal intent of the law (in my opinion the intent is to get you to change your mind about having an abortion)** (a.k.a. "Women's Right To Know" Act of July 1st, 1997). Also, copies of the "If You Are Pregnant" and "If You Are Pregnant: Directory of Available Services" booklets are in all Kansas public libraries. Look in the 'vertical files' when you are at the libraries. The booklet and directory are also available by calling 1-888-744-4825 and **requesting copies from the KDHE (it may take up to two weeks since it is sent via U.S Postal Service as Fourth Class mail)**. We can also facsimile (fax) everything except the booklet and directory. If we faxed the 24-hour form, you are responsible for locating a library copy of "If You Are Pregnant", and "If You Are Pregnant: A Directory of Available Services". WHEN YOU GET HERE you will sign a State-required form ("Certificate of Informed Consent - Abortion") stating that you have received a copy of that literature. Printing a copy of "If You Are Pregnant" and "If You Are Pregnant: A Directory of Available Services" from this website constitutes overt compliance, though not necessary. ;) And you can do a search to see **what new stupid laws the pro-Lifers are trying to get made into law**. For the current Legislative session, do a search for current legal harassment can be found with keywords 'abortion', 'fetal', 'pregnancy', 'Right-To-Life' at Kansas anti-choice bills in Legislature or do a search of all the Kansas Statutes.

If you are a **minor** (less than 17 years old, unemancipated), there are the steps needing to be taken: Unemancipated Minor. We are legally required to inform your parents. This can be one of three ways. The first, most direct and quick way is for you to tell your parent(s) or guardian about this and get them to sign a **notarized Parental Notification form** acknowledging that you might get an abortion. They obviously will know about the abortion then. This is not always the end-of-the-world; your parent's can understand. You would be surprised at how many mom's have had an abortion. Remember, your parents have had sex before you were born, and yes, they may have had sex before they met your other parent. Abortions have been legal Federally since 1973, and in some states, like Kansas, since 1970. Parent's just don't talk about such things because its taboo (fault of the ProLifers' propaganda machine). Give your parents a chance, but if not, try the other options. The second way is for us to send a certified letter addressed to your parent(s). They will receive this letter from us. Once they accept the letter, the postman sends the green certified-return-receipt form back to us and that is our proof that your parents have been notified. Your parent will not know what the letter is when they sign for it. This is the Surprise-Package variety, also-known-as **Certified Letter of Parental Notification**. When they accept the letter, whether they agree or not with abortion, they have met the legal criteria of Notification, and you can get an abortion. Your parents will obviously know about the abortion. This option is good if you don't care if your parents know, yet you know they won't sign the notarized Parental Notification form

Or, thirdly, we can do a **Judicial Bypass/Waiver** to Parental Notification. **This is an option when you do not wish to tell your parent or guardian about the abortion.** This is an option that many minors choose because of real fears of violent physical punishment, being disowned by the family, boyfriend getting physically hurt by parents, you do not live with your parents and do not wish to involve them, or other reasons. A **Judicial Bypass does not cost you any extra money. Kansas taxpayers pay for your attorney.** The abortion will still cost you. The Courts have 48 hours to get you processed once their paperwork is started. Step one consists of getting a sonogram and (statutory) minor counseling. Next we give you a copy of your counseling sheet, the court forms that pay for the attorney, phone number of your attorney, and directions to the courthouse. Your attorney will set up the appointment with the administrative judge who deals with minors and family matters for sometime in the next couple of days. **The judge will ask questions** to ascertain your level of responsibility and maturity with respect to getting an abortion. **Don't worry about it, be confident and polite. The judge is kind and benevolent. You don't need to lie to the judge. The judge will grant your Waiver as long as he does hear any frivolous silly answers.** We need to have a copy of that Waiver to do your abortion. Getting out of school to come here for the counseling, or for the court date, is your responsibility.

STATE OF KANSAS  
SENATE CHAMBER

Home Address:  
2979 KINGFISHER RD.  
HIAWATHA, KANSAS 66434  
(785) 742-3780

Capitol Office:  
STATE CAPITOL, ROOM 402-S  
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(785) 296-7379



COMMITTEE ASSIGNMENTS  
MEMBER: LOCAL GOVERNMENT  
NATURAL RESOURCES  
UTILITIES  
JOINT COMMITTEE ON SPECIAL CLAIMS  
AGAINST THE STATE

**Senator Dennis Pyle**

May 5, 2006

Mr. Chairman and members of the Public Health and Welfare Committee, thank you for this opportunity to present testimony in favor of House Bill No.2792, also known as The Teen Protection Act.

Please see the attached testimony .

*Senator Pyle*

*Senate Public Health & Welfare  
Committee*

*Date: May 5, 2006  
Attachment # 3*

Motion Pursuant to Senate Rule 11  
Committee Action on Bills and Resolutions

I move that pursuant to Rule 11 of the Rules of the Kansas State Senate that House Bill No. 2792, AN ACT relating to abortions and concerning minors, having been referred to the Senate Committee on Public Health and Welfare be withdrawn from that committee and placed upon the Kansas State Senate calendar for the 3<sup>rd</sup> day of May, 2006, under the heading of General Orders subsequent to adoption of this motion by the Senate.

In support of this motion:

In 2004, KDHE reported 785 abortions in Kansas were performed on teens aged 12-17. 326 were from Kansas, 330 from Missouri.

HB 2792, dubbed the Teen Protection Act, passed the House by a vote of 98-27. HB 2792 will tighten up current Kansas abortion provisions to protect pregnant teenagers and parental rights.

HB 2792 has become even more important due to the ruling of Judge Marten in the 'Aid for Women' lawsuit. Marten decreed that mandatory reporters, including abortion providers, have the discretion to determine if a sexually active teen is "injured" before they contact authorities about child rape.

While specific duties of counselors and abortion clinics are appealed through the courts, teens who are coerced to lie about the age of their unborn baby's father can easily undermine the way Kansas abortion laws for minors was intended to work.

K.S.A. 65-5704, requires a teen seeking an abortion to be initially accompanied inside the clinic by an adult companion.

HB 2792 would require that the teen and her companion present a valid I.D.

If a parent or guardian is not the adult, HB 2792 would require a statement from the companion adult about his/her relationship to the pregnant teen and her baby's father (if known). While the statement is not an affidavit, it can help alert the clinic to an irregular situation. Nationwide, too many teens are walking into clinics with their predator, or his accomplice, masquerading as the teen's blood relative or best friend.

HB 2792 would permit parents or guardians to pursue civil remedies against individuals, including the abortionist and clinic staff, who intentionally undermine parental involvement and violate the teen's legal rights. A similar law was passed in Missouri in 2005 and has passed the first court challenge. At the national level, an act to prevent children from being taken across state lines for



secret abortions has passed the House and awaits Senate action.

HB 2792 would exempt parents or guardians of a minor from paying for medical treatment caused by an abortion if they had no knowledge or notification of the minor's abortion. Oklahoma passed a similar law in 2001, ordering the abortionist to pay for abortion-caused medical treatment if they violate the parental involvement provision. (A legal challenge in the 10<sup>th</sup> Circuit, that which governs Kansas, was rebuffed.)

K.S.A. 65-6705, permits a teen judicial bypass, or waiver, of the ordinarily required parental notification. The bypass may be sought for maturity of the teen or a situation where it would not be in her best interest to notify a parent.

HB 2792 would allow the clinic staff member to explain the bypass, and contact the court, but prohibits any clinic staff member from being selected to accompany the teen through the judicial bypass process.

HB 2792 will require the court involved in the bypass to report to authorities any evidence of suspected child abuse that comes to their attention in the confidential bypass procedure. During this closed session, the teen's reason for avoiding parental notice may reveal an abusive situation from which she may need to be protected and/or removed.

HB 2792 will require the court(s) granting bypasses to send statistical reports to KDHE including the number of petitions filed and granted, the reasons granted and any subsequent actions taken in response to protecting the teen from domestic or predator abuse. The report will also include the teen's age, state of residence, and her disability status (if any).

The bypass procedure has been in effect since 1992 and yet no data is available from which to assess whether the law is abused or overused. The experience of other states indicates that predators can manipulate state laws.

Parental involvement is nearly always the best situation for a teen pregnancy. The judicial bypass was not intended to be an often used, or flippantly chosen, option. Certainly, HB 2792, will enhance protection for families and close the door to any abuse of the system.

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Senator Pyle