

Corrected
SESSION OF 2002

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 3000

As Amended by House Committee on
Federal and State Affairs

Brief*

HB 3000 concerns providing abortions to minors. The bill would make a number of changes to current law.

1. Prior to performing an abortion on an unemancipated minor, the provider must give notice of intent to perform the procedure to the minor's parents in person or by certified mail, return receipt requested, unless the minor objects.
2. Required counseling information would consist of the material included in the Women's Right to Know Act materials. A counselor would not have to provide pre-procedure counseling to a minor if the attending physician certifies that the abortion is necessary to prevent the minor's death and that there would be insufficient time to provide the required counseling.
3. Make it a class A misdemeanor for any person who intentionally performs an abortion on an unemancipated minor, with the knowledge that, or with reckless disregard as to whether the person upon whom the abortion is to be performed is an unemancipated minor, unless the pre-procedure counseling requirement has been met.
4. A person who is legally or financially affiliated with a physician who performs abortions could not qualify as a counselor to minors who are required to have pre-procedure counseling.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/cgi-bin/fulltext/bills.cgi>

5. A parent of an unemancipated minor may file an action for compensatory and exemplary civil damages if the physician performs an abortion without complying with the notice or counseling requirements.
6. The bill would require the Office of Judicial Administration to file a report each July 15 with the Department of Health and Environment. The report would include information on the number of court proceedings filed pursuant to this act and the number of proceedings in which the court granted the waiver of notice and the number of applications for which the waiver was denied.

The House Committee amended the bill to:

- ! Return the confidentiality language back to current law;
- ! The court would be required to rule on the minor's application within 48 hours, excluding weekends and holidays.
- ! Delete the language requiring courts to be available for such minors 24 hours a day, seven days a week; and
- ! Shift responsibility for the annual report from the district courts to the Office of Judicial Administration.

Background

Representative Tony Powell, Representative DiVita, and a representative of Kansans for Life testified in support of the bill.

A representative of Planned Parenthood of Kansas and Mid-Missouri and an employee of a medical clinic testified in opposition to the bill.

A representative of the Office of Judicial Administration expressed concern about the possible fiscal impact of requiring the district courts to be available to the minors on a 24/7 basis.

The fiscal note indicates that the Department of Health and Environment estimates an expenditure of \$1,500 to print a new form as

part of the Women's Right to Know Act materials. The Office of Judicial Administration indicates that the bill could have an unknown fiscal effect on the district courts.