

Date: 22 February 2025 (hearing not scheduled)

Bill number: HB 2062

Disposition: Opponent

Name of conferee: Amber Schmidt

On Behalf of: Self - Private Citizen

Chairman Warren and Members of the Committee,

I thank the committee for their time and consideration of this written testimony. I am a native Kansan now residing and working in our capital city. This bill is important to me because I was raised by a poor single mom and we are survivors of domestic violence. This bill **will not help** those mothers or their children. I strongly believe this bill would cause significant harm to mothers and their unborn children. It also ignores the will of the people of Kansas. For these reasons, I am strongly opposed to this bill.

Proposed language is unconstitutional & vague

The Kansas Bill of Rights¹ contains a guarantee of “equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness,” which the Kansas Supreme Court has recognized includes the fundamental right to abortion². **The language of these laws are murky and lack the clarity required to ensure they do not violate the rights of the mother.**

K.S.A. 20-165(a)(c) should be amended to change “unborn” to “mother’s” as it was for 20-165(a)(d). Thus, the term and definition of “unborn child” will no longer be needed and should be removed as well.

The term ‘unborn child’ is meant to, and should, evoke strong emotion. Those emotions, while valid, are not effective in legal matters to protect and defend a mother or her unborn child(ren)’s rights. Law is separate from emotion. An ‘unborn child’ is a fetus. It is important to use medically and scientifically accurate terms in legislation.

Please read this carefully: Calling an unborn child a fetus does NOT diminish or invalidate the sanctity of life or the love and emotion felt for an unborn child.

I cannot claim an unborn child on my taxes. I cannot add an unborn child as a dependent on my health insurance. I cannot get life insurance on an unborn child. I could list more examples, but I hope my point is clear to this legislature: an ‘unborn child’ is not legally recognized as its own person. Therefore, a fetus cannot be legally recognized except as an extension of the pregnant woman’s (aka mother’s) own body.

¹ <https://sos.ks.gov/publications/kansas-constitution/kansas-constitution-bill-of-rights.html>

² Julia R. Livingston, Kansas Supreme Court Reaffirms State Constitutional Right to Abortion, STATE COURT REPORT (Jul. 24, 2024), <https://statecourtreport.org/our-work/analysis-opinion/kansas-supreme-court-reaffirms-state-constitutional-right-abortion>

This bill is an attempt to get the terms 'elective abortion' defined. The definition of 'elective abortion' is in direct conflict with the existing statutory definition of abortion (K.S.A. 65-6701(a)(1)) and is not legally enforceable. I would also remind this committee that these terms must meet the strict scrutiny of judicial review. The two terms proposed in HB 2062 definitely fall short.

Legislation is insincere and does not address the issues of pregnant mothers

There is no clarification of what constitutes "pregnancy-related expenses" and if a pregnant mother seeks child support, the court would be unable to determine such expense, rendering this legislation moot. There are also no child support payment structures in HB 2062 for pregnancies that result in miscarriage, stillbirth, or death of the mother.

Melissa Stiehler's written opponent testimony on this bill said it best:

As cited in proponent testimony on a previous version of this same bill, SB 425, Brittany Jones of Kansas Family Voice says, "...this bill does not mandate any method or modify the courts procedures regarding this in any way. **The court is still allowed to use its discretion in making these determinations.**" If the courts are already using their discretion in establishing paternity and pregnancy expenses regarding child support, then what is the purpose of this bill other than to establish fetal personhood into Kansas law?³

This bill ignores the will of the people of Kansas

Kansas's spoke loud and clear in 2021 when we said **No** to the proposition to amend our Kansas Bill of Rights to *remove* the right to an abortion. Kansas's are against legislation that removes our rights and free will. I ask this legislature to respect the will of the people.

I will remind this legislature of the 20th amendment to the Kansas Bill of Rights:

§ 20. Powers retained by people. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated remain with the people.

The 20th amendment affirms that the Kansas legislature shall not further restrict the powers of the people of Kansas, and to do so is a direct violation of the constitution each of you swore to uphold. This legislature is not entitled to determine an exhaustive list of its citizens rights. In fact, such a list would set a dangerous precedent.

There is great need for meaningful policy that supports women, children, and families. HB 2062 is not that bill. While I recognize this bill may be an ill-crafted attempt at addressing the need to support pregnant women and mothers, it cannot proceed as written without violating the rights of the very people it is intending to protect.. This attempt at granting legal rights to a fetus and redefining abortion are simply shameful. In conclusion, I respectfully ask this legislature to vote NAY on this bill.

Statute(s):

The definition for abortion in Kansas statute⁴, which lists specific criteria for what would not be considered an abortion. The proposed term "elective abortion" and its definition would conflict with existing statute.

K.S.A. 65-6701(a)(1) "Abortion" means the use or prescription of any instrument, medicine, drug or any other means to terminate the pregnancy of a woman knowing that such termination will, with reasonable likelihood, result in the death of the unborn child.

(2) Such use or prescription is not an "abortion" if done with the intent to:

(A) Preserve the life or health of the unborn child;

(B) increase the probability of a live birth;

(C) remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or the unborn child; or

(D) remove an ectopic pregnancy.

(3) "Abortion" does not include the prescription, dispensing, administration, sale or use of any method of contraception.

SENT TO : S.Judiciary@senate.ks.gov

⁴ https://www.ksrevisor.gov/statutes/chapters/ch65/065_067_0001.html