

House Substitute for SENATE BILL No. 62

By Committee on Judiciary

3-16

1 AN ACT concerning medical care facilities; relating to abortion;
2 sterilization; amending K.S.A. 65-443, 65-446 and 65-447 and K.S.A.
3 2011 Supp. 65-444 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 65-443 is hereby amended to read as follows: 65-
7 443. No person shall be required to perform, *refer for*, or participate in
8 medical procedures *or in the prescription or administration of any device*
9 *or drug* which result in the termination of a pregnancy *or an effect of*
10 *which the person reasonably believes may result in the termination of a*
11 *pregnancy*, and the refusal of any person to perform, *refer for*, or
12 participate in those medical procedures, *prescription or administration*
13 shall not be a basis for civil liability to any person. No ~~hospital, hospital~~
14 *medical care facility, medical care facility* administrator or governing
15 board of any ~~hospital~~ *medical care facility* shall terminate the employment
16 of, prevent or impair the practice or occupation of or impose any other
17 sanction on any person because of such person's ~~refusal to perform or~~
18 ~~participate in the termination of any human pregnancy~~ *exercise of rights*
19 *protected by this section.*

20 Sec. 2. K.S.A. 2011 Supp. 65-444 is hereby amended to read as
21 follows: 65-444. No ~~hospital, hospital~~ *medical care facility, medical care*
22 *facility* administrator or governing board *of any medical care facility* shall
23 be required to permit *the performance, referral for, or participation in*
24 *medical procedures or in the prescription or administration of any device*
25 *or drug* which result in the termination of human pregnancies *of an effect*
26 *of which the medical care facility, administrator or board reasonably*
27 *believes may result in the termination of human pregnancies* within its
28 ~~institution~~ *facility* and the refusal to permit such procedures, *prescription*
29 *or administration* shall not be grounds for civil liability to any person. A
30 ~~hospital~~ *medical care facility* may establish criteria and procedures under
31 which pregnancies may be terminated within its institution, in addition to
32 those which may be prescribed by licensing, regulating or accrediting
33 agencies.

34 Sec. 3. K.S.A. 65-446 is hereby amended to read as follows: 65-446.
35 No person shall be required to perform, *refer for* or participate in medical
36 procedures which result in sterilization of a person, and the refusal of any

1 person to perform, *refer for* or participate in those medical procedures
2 shall not be a basis for civil liability to any person. No ~~hospital, hospital~~
3 *medical care facility, medical care facility* administrator or governing
4 board of any ~~hospital~~ *medical care facility* shall terminate the employment
5 of, prevent or impair the practice or occupation of or impose any other
6 sanction on any person because of ~~his refusal to perform or participate in~~
7 ~~such medical procedures~~ *such person's exercise of rights protected by this*
8 *section.*

9 Sec. 4. K.S.A. 65-447 is hereby amended to read as follows: 65-447.

10 No ~~hospital, hospital~~ *medical care facility, medical care facility*
11 administrator, or governing board *of any medical care facility* shall be
12 required to permit *the performance, referral for or participation in*
13 medical procedures resulting in sterilization within its ~~institution~~ *facility*
14 and the refusal to permit such procedures shall not be grounds for civil
15 liability to any person. A ~~hospital~~ *medical care facility* may establish
16 criteria and procedures under which sterilizations may be performed
17 within its institution, in addition to those which may be prescribed by
18 licensing, regulating or accrediting agencies.

19 Sec. 5. K.S.A. 65-443, 65-446 and 65-447 and K.S.A. 2011 Supp. 65-
20 444 are hereby repealed.

21 Sec. 6. This act shall take effect and be in force from and after its
22 publication in the statute book.