Omnibus Abortion Amendments

HB 2035 modifies the law regarding prohibitions on late-term and partial birth abortions; requires parental consent with certain exceptions for abortions involving minors; expands and establishes new abortion reporting requirements; and adds a civil cause of action in certain abortion cases. Other changes alter the terminology associated with abortion law, require new rules and regulations regarding partial birth abortions, and grant access by law enforcement to certain abortion reports if violations of the law are suspected.

The term "fetus" in the law is changed to "unborn child" and revised definitions of "viability," "abortion" and "partial birth abortion" are included. A new definition of "human being" is added.

The bill enhances the reporting requirements regarding the medical diagnosis in general for all cases and, specifically, for those cases involving late-term abortions near or after viability and for those cases involving partial birth abortions. The criteria for who may obtain a partial birth abortion are redefined by deleting the reference to mental function of a pregnant woman.

A civil cause of action is created regarding late-term abortions, partial birth abortions, and parental consent. The Attorney General, district attorney, and county attorney are authorized to prosecute criminal offenses. Disciplinary action by the Board of Healing Arts continues to be an option regarding such violations.

The law requiring parental notice is deleted and a new requirement for parental consent is added regarding minors. Procedures for court-waiver of consent are established. The required informed consent information is modified by requiring the additional statement that the abortion will terminate the life of a whole, separate, unique living human being.

Reporting of sexual abuse is required; the Kansas Department of Health and Environment (KDHE) is required to include additional information in its reporting; and law enforcement officials are granted access to KDHE reports.