

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman William Mason at 1:40 p.m. on February 16, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Tom Burroughs- excused

Committee staff present:

Russell Mills, Legislative Research Department  
Mary Torrence, Revisor of Statutes Office  
Dennis Hodgins, Legislative Research Department  
Rose Marie Glatt, Secretary

Conferees appearing before the committee:

Representative Peggy Long-Mast  
Mike Farmer, Executive Director, KS Catholic Conference  
Jeanne Gawdun, Kansans for Life  
Mary Kay Culp, Executive Director, Kansans for Life  
Brendan Mitchell, M.D., Johnson County  
Kathy Ostrowski, Legislative Director, Kansans for Life  
Laura Kenny, M.D., Overland Park (written testimony)  
Judy Smith, Concerned Women for America, Kansas (written testimony)

Others attending:

See Attached List.

Without objection, Representative Vickrey introduced a bill concerning the Kansas Open Record Act.

**HB 2751 - Regulation, licensing and standards for the operation of abortion clinics.**

Ms. Torrence, Revisor of Statutes, reviewed the bill, stating that it was the same bill passed by the Legislature last year and vetoed by the Governor. It would require the Secretary of the Health and Environment to adopt rules and regulations for an abortion clinic's facilities. Russell Mills answered questions regarding the differences between last year's and the current fiscal note. Changes are due mainly to changes in FTE positions and outside consultants resulting in a projected increased fiscal expenditure.

**PROPONENTS:**

Representative Peggy Long-Mast, a prime sponsor of the bill, spoke about the need to protect individuals that seek an abortion (Attachment 1). She gave several examples of people whose lives had been gravely affected through mishaps that had happened in abortion clinics. She urged the committee to carry out their primary duty, which was to protect those they were elected to represent.

Discussion followed over concern of the fiscal note. The Chairman stated that he would contest the fiscal note, which would require further explanation of the note. Representative Long-Mast answered questions regarding the advantages and possible safeguard of having another woman in the room when abortion procedures are taking place.

Mike Farmer, Executive Director, KS Catholic Conference, stated that currently abortion clinics are unregulated (Attachment 2). They are considered doctor offices instead of surgical centers or hospitals. The Kansas Board of Healing Arts was charged with the oversight of six of the seven known abortion clinics, however they govern practitioners, not facilities. He gave examples of how Planned Parenthood failed inspection in Kansas. The form of **HB 2571** had already passed Constitutional muster in five federal courts.

Jeanne Gawdon, Kansans for Life, testified about practices observed by a woman who had been employed by an abortion doctor in Wichita for over a year (Attachment 3). The former employee stated that

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conditions inside the offices were deplorable and filthy and that other employees were disgusted with the way the doctor did business. She described disturbing practices including sterilization and disposal problems that had occurred prior, during and after surgical abortions.

Mary Kay Culp, Executive Director, Kansans for Life, stated that they remind people everyday that Roe v Wade didn't change the back-alley clinics—it just gave them a front door entrance (Attachment 4). Kansas does not require any inspection in order to open or maintain abortion facilities, thus each abortion business can decide whether meeting medical standards is worth the effort. The Board of Healing Arts was designed to react to complaints or problems brought to their attention, not to prevent them. Women deserve trained surgical assistants and adequate resuscitative equipment during surgery and should be part of the minimum requirements to do business under **HB 2751**. Her testimony contained numerous examples of occurrences regarding violations.

Dr. Brendan Mitchell, Obstetrician/Gynecologist, stated the because of his experience in treating women with miscarriage in the first and second trimesters he understood that abortion was a procedure that was fraught with potential hazards (Attachment 5). Most physicians would not want to perform these procedures, in a substandard facility. The public perceives that legal abortion is safe abortion and that the same standards that apply to other surgical procedures, apply to legal abortion. **HB 2751** ensures that those who provide abortion in our state, document to the people of Kansas that they are meeting the minimum standards promulgated by the abortion industry itself.

Discussion followed concerning: possible unfair regulations being put on abortion clinics that are not required of other clinics, reasons for lack of malpractice suits against abortion clinics, pros and cons of positions of outside consultants in Health and Environment, and abortion being the cause of infertility.

Kathy Ostrowski, Legislative Director, Kansans for Life testified in support of **HB 2751**, stating that the bill protected women with a proper exercise of state oversight (Attachment 6). She spoke of the inadequacy of relying on the Board of Healing Arts to protect women, since it is structured without the ordinary ability to do either regular or surprise inspections of doctors offices, but relies on patients or clinic staffers to blow the whistle on the problems. Abortion in Kansas is carried out in a shockingly substandard manner according to an eyewitness report and she urged the passage of the bill to ensure the safety of women.

It was noted that two sets of written testimony were distributed: Laura Kenny , M.D., Overland Park (Attachment 7) and Judy Smith, Concerned Women for America, Kansas (Attachment 8).

The hearing was closed on **HB 2751** and will be continued February 17.

### **HCR 6013 - Memorializing Congress to maintain Kansas' military installations**

Representative Lane made the motion that HCR 6013 be moved out favorably. Representative Ruff seconded and the motion carried.

The meeting was adjourned at 3:05 p.m. The next meeting was scheduled for February 17, 2004.