



**KANSAS NOW**

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**February 18, 2013**

**TO: Members of the Senate Committee on Judiciary**  
**FR: Elise Higgins**  
**Lobbyist and State Co-Coordinator, Kansas NOW**  
**RE: SB 142, Opponent Testimony**

Kansas NOW submits this testimony in strong opposition to SB 142.

Many of you in this committee are no doubt aware of how unpopular and inappropriate this legislation is, because an identical provision in last year's anti-abortion omnibus bill, HB 2598, caused massive public outcry and ultimately helped to prevent that bill's passage. Letting doctors lie to women about their pregnancies is no more popular this year than it was in 2012, and the implications for women and their families are just as dire.

New Section 1 (a) of this bill defines and prohibits civil action for a claim of "wrongful life" or "wrongful birth" and would allow for a medical practitioner to purposefully keep information about serious genetic or congenital abnormalities from women in an attempt to influence their decision making about their pregnancy.

**This legislation invites doctors to break the oath of their profession:** New section 1 (a) is an invitation for physicians to violate their Hippocratic Oath, specifically the parts of the Oath stating that "I will not withdraw from my patients in their time of need" and "I will maintain this sacred trust." The last piece of the Hippocratic Oath that doctors would break with the encouragement of this bill is "that above all else I will serve the highest interests of my patients"; this bill positions the religious or moral beliefs of the doctor above the highest interest of the patient. Since doctors are not required to disclose religious beliefs which compromise their practice of medicine, families won't have the peace of mind and trust that are so essential to the doctor/patient relationship. They will instead worry about whether or not their provider is withholding vital information about their health and the state of their pregnancy.

**This legislation harms families even if patients can sue:** New Section 1 (b) contains, as it did last year, some minor loopholes. However, by the time women and their families bring suit against their healthcare provider, the damage has already been done. This bill explicitly

incentivizes the omission of critical medical information from conversations between doctors and patients, information that could be life changing were it given at an appropriate time. Without needed information, parents can neither make an informed choice about whether to end a pregnancy nor learn about their child's condition during the course of the pregnancy so they're prepared to be the best parents they can be.

**This legislation is unpopular:** As referenced above, Kansans don't want this legislation. In a 2012 study by Belden Russonello Strategists, 78% of respondents from a cross-section of Americans strongly opposed a doctor not telling a woman that her fetus has a severe defect because of the doctor's concerns over a potential abortion. <sup>1</sup>

**This legislation is disrespectful to women and families' decision making power:** Women are moral agents. They are capable of making their own decisions, according to their own consciences, and deserve respect and as much information as it is possible to have when deciding whether and when to have children. Resorting to misinformation and lies of omission in an attempt to coerce women and families into making decisions that they otherwise would not have made is government interference and disrespect at its worst.

Whether or not to have an abortion is an intensely complicated, personal decision. No matter how you may feel about abortions personally, as a policymaker, it is not for you to decide whether or not your constituent has one. It is not now and has never been for the Kansas Legislature to make private, personal decisions for the families that they represent. This bill is yet another example of unwanted government intrusion into Kansans' lives, and is a distraction from policies that improve lives of citizens in need of excellent educations, good jobs and accessible health care. Please vote to not recommend SB 142 for passage.

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<sup>1</sup> Beldon Russonello Strategists. "Memo to ACLU, Catholics for Choice re: American attitudes on religious exemptions." CatholicsForChoice.org. October 23, 2012.