

SENATE BILL NO. 141

By Senators Pletcher-Cook, Abrams, Apple, Arpke, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Ostmyer, Petersen, Powell, Pyle, Smith and Tyson

2-6

Proposed Amendments to SB 141  
Committee on Public Health and Welfare  
February 11, 2013  
Nobuko Folmsbee, Senior Assistant Revisor

1 AN ACT concerning abortion; relating to abortions performed solely  
2 because of the gender of the unborn child.

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

4 Section 1. (a) No person shall perform an abortion with knowledge  
5 that the pregnant woman is seeking the abortion solely on account of the  
6 sex of the unborn child.

7 (b) (1) A woman upon whom an abortion is performed or induced, or  
8 upon whom there is an attempt to perform or induce an abortion, in  
9 violation of this section, the father, if married to the woman at the time of  
10 the abortion, and the parents or custodial guardian of the woman, if the  
11 woman has not attained the age of 18 years at the time of the abortion,  
12 may in a civil action obtain appropriate relief, unless, in a case where the  
13 plaintiff is not the woman upon whom the abortion was performed, the  
14 pregnancy resulted from the plaintiff's criminal conduct.

15 (2) Such relief shall include:

16 (A) Money damages for all injuries, psychological and physical,  
17 occasioned by the violation of this section;

18 (B) statutory damages equal to three times the cost of the abortion;

19 (C) injunctive relief; and

20 (D) reasonable attorney fees.

21 (c) A woman upon whom an abortion is performed shall not be  
22 prosecuted under this section for a conspiracy to violate this section  
23 pursuant to K.S.A. 2012 Supp. 21-5302, and amendments thereto.

24 (d) Nothing in this section shall be construed to create a right to an  
25 abortion. Notwithstanding any provision of this section, a person shall not  
26 perform an abortion that is prohibited by law.

27 (e) Upon a first conviction of a violation of this section, a person  
28 shall be guilty of a class A person misdemeanor. Upon a second or  
29 subsequent conviction of a violation of this section, a person shall be  
30 guilty of a severity level 10, person felony.

31 (f) If any provision or clause of this act or application thereof to any  
32 person or circumstances is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect  
34

or induce an abortion or attempt to perform or induce

1 without the invalid provision or application, and to this end the provisions  
2 of this act are declared to be severable.  
3 (g) For purposes of this section, the term "abortion" has the same  
4 meaning as such term is defined in K.S.A. 65-6701, and amendments  
5 thereto.  
6 Sec. 2. This act shall take effect and be in force from and after its  
7 publication in the statute book.