ACLU
Kansas

TESTIMONY OF
VIGNESH GANAPATHY
POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS

IN **OPPOSITION** TO **HB 2512**
KANSAS HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

FEBRUARY 1, 2018

Thank you, Chair Hawkins, and members of the Health and Human Services Committee for affording us the opportunity to provide testimony on HB 2512.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas strongly opposes HB 2512. While this bill would promote health care access by establishing telemedicine as a means of health care delivery with the patient and provider in different locations, HB 2512 fails to extend this to the constitutionally protected right to abortion and related reproductive health services. Further, this bill raises serious discriminatory, constitutional concerns, by limiting a woman's health care access because of where she resides. Specifically, the ACLU of Kansas opposes HB 2512 because:

- **This bill would prevent women in rural Kansas from accessing essential reproductive health services.** A woman's constitutional rights should not depend on her zip code. But HB 2512 would make it so that women in some parts of the state have diminished access to essential reproductive health care. According to the Guttmacher Institute, one in five Kansas women must travel more than 180 miles in order to receive an reproductive health services, and often over 500 miles to receive an abortion.[i] The distance may be even further for providers who accept KanCare. Telemedicine has benefitted women in rural areas across the country by allowing patients to take the abortion pill—mifepristone and misoprostol—under the supervision of doctors through an online help desk, and these procedures have had similar results to in-person abortions.[ii] Without access, many women may resort to unregulated and unsafe methods of abortion, such as procuring the abortion pill from online sources. By carving out abortion, this bill threatens the health, safety and well-being of women in rural Kansas.

- **HB 2512 places politics above a woman's health.** We simply cannot know each woman's circumstances; but we do know that health care professionals should be able to provide the best care for each individual patient. While we laud this bill's goal of increasing access to health services, it excludes only one, constitutionally protected, medical procedure. HB 2512 would

interfere with access to a health care professional's expertise and impose politics in its place. This bill not only infringes upon the relationship between a doctor and a patient, but prevents it from taking place all together, by preventing the doctor from providing particular health care protocols appropriate to the individual circumstances faced by a patient. In difficult circumstances, a woman deserves the best medical care available—and the freedom to make decisions about that care, in partnership with a doctor—not unnecessary restrictions on access to that care.

By preventing access to safe and legal health care, this bill is a distraction focused on the wrong priority and an unwarranted intrusion into the personal health care decisions of women. Therefore, we urge this committee to oppose HB 2512.

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[i] Guttmacher Institute, *Fact Sheet: Unintended Pregnancy in the United States* (Sep. 2016), https://www.guttmacher.org/fact-sheet/unintended-pregnancy-united-states.

[ii] Ushma D Upadhyay, *Innovative models are needed for equitable abortion access in the USA*, The Lancet Public Health (Oct. 3, 2017), http://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(17)30181-0/fulltext.