

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:30 p.m. on February 20, 2003 in Room 313-S of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department  
Mary Torrence, Office of Revisor of Statutes  
Rose Marie Glatt, Committee Secretary

Conferees appearing before the committee: **Proponents:**  
Representative Peggy Long  
Dr. Laura Kenny, M.D., Private Citizen  
Kathy Ostrowski, Kansans For Life  
Mike Farmer, Exec. Director, Kansas Catholic Conference  
Jeanne Gawdun, Kansans For Life, presented written  
testimony of Denise Burke, Americans United For Life  
Judy Smith, State Director, Concerned Women for America  
(written testimony only)  
**Opponents:**  
Mark Pederson, Abortion Provider  
Jennifer McAdam, Planned Parenthood of Kansas  
Sylvie Rueff, National Organization of Women  
Julie Burkhart, Women's Health Care Services, presented  
written testimony of George R. Tiller, M.D., DABFP  
Willow Eby, Central Women's Services

Others attending: See Attached

**HB 2176** - Standards for the operation of abortion clinics

Staff reviewed **HB 2176** that would require the Secretary of Health and Environment to adopt standards for the operation of abortion clinics; providing penalties for violations and authorizing injunctive actions.

Representative Long stated that **HB 2176** takes the regulation of abortion clinics up to a minimal standard of oversight ([Attachment 1](#)). There are currently seven abortion providers in the state; only one of them is registered as an ambulatory care center, the rest set their own standards. She spoke of the experiences two women had with abortion clinics. Good health care in Kansas should include responsible health inspections and oversight of abortion clinics.

Dr. Laura Kenny, M.D., an Obstetrician/Gynecologist from Overland Park, KS spoke in support of **HB 2176** ([Attachment 2](#)). Abortion is one of the most frequently performed surgical procedures in Kansas, yet it is the least regulated. The bill would establish regulation and accountability for clinics and offices where abortions are performed and document to Kansans that they are meeting minimum standards promulgated by the abortion industry itself.

Kathy Ostrowski, Kansans For Life, expressed support for **HB 2176**, stating that she represented women intimidated and injured by abortion who demand an end to favoritism in medical policing in Kansas

([Attachment 3](#)). She spoke of several abortion clinics in Kansas, where doctors were proven incompetent, and women received substandard care. She provided newspaper articles and advertisements relating to the issue.

Mike Farmer, Executive Director of the Kansas Catholic Conference stated that the bill is enabling legislation that directs the Secretary of the Department of Health and Environment to adopt rules and regulations for an abortion clinic's facilities ([Attachment 4](#)). It will protect Kansas women's lives by mandating that abortion providers meet minimum health and safety requirements. He urged the committee to pass **HB 2176**.

Jeanne Gawdun, Kansans For Life, presented the written testimony of Denise Burke, staff counsel with Americans United For Life, a national public interest law firm with a practice in bioethics law. She offered testimony as an expert in constitutional law and on laws regulating abortion clinics ([Attachment 5](#)). **HB 2176** substantially complies with existing laws regulating abortion clinics in Arizona, South Carolina, and Texas. These laws have repeatedly been upheld as constitutional, withstanding multiple legal challenges.

Her testimony consisted of information concerning:

- Constitutionality of abortion clinic regulations and the status of current litigation
- Prevalence of abortion clinic regulation in other states
- Source of regulatory standards for abortion clinics
- Evidence of substandard care at abortion clinics
- Answers to common objections
- Recommendation for change or amendment

In conclusion, she stated that **HB 2176** embodies national abortion care standards, furthers the State of Kansas's legitimate interest in "preserving and protecting the health" of women and prescribes medically appropriate, minimum standards for abortion clinics.

It was noted that written testimony from Concerned Women For America ([Attachment 6](#)) was distributed..

Discussion followed clarifying the issues relating to; responsibilities of the Board of Healing Arts; the need for statutes verses rules and regulations; number of abortions performed in Kansas annually. The committee expressed concern over the lack of accurate statistics, and Kathy Ostrowski agreed to try to provide additional information.

Mark Pederson, Manager, Abortion Clinic in Kansas City rose in opposition to **HB 2176** ([Attachment 7](#)). He stated that the bill is not protective legislation; it is another installment of whittling away a woman's access to abortion. If reasonable regulations could be formulated they should come from the Kansas Board of Healing Arts and applied to all physicians, e.g. Kansas Medical Society's Guidelines for Office-Based Surgery and Special Procedures, 2002".

Jennifer McAdam, Planned Parenthood of Kansas expressed her opposition to **HB 2176** ([Attachment 8](#)). She expressed concern over the language in the bill, stating that "abortion" is not defined, sections 1 and 3 conflict with each other, and section 1 would violate patient and physician privacy. The regulations may result in increased costs of abortion and a reduction in the number of abortion providers, both of which may cause women to perform self-induced abortion and defeat the purpose of legislation that seeks to make abortion safer.

Sylvie Rueff, Kansas National Organization for Women, opposes the passage of **HB 2176**, stating it would put Kansas women at greater risk by increasing the financial and travel burdens for women seeking

safe, and legal abortions, by increasing physicians's costs and reducing the number of clinic sites in Kansas (Attachment 9).

Julie Burkhart, Women's Health Care Services, read the testimony of Dr. George Tiller who is opposed to **HB 2176** (Attachment 10). He stated that the bill would further limit the number of abortion providers by increasing the cost, regulation, and restriction of this integral component of reproductive medicine. According to the KDIE's Center for Health and Environment Statistics, out of the 106 deaths in the state of Kansas that were attributed to surgical and medical care between 1990 and 2001, none of the deaths were due to abortion services.

Willow Eby, R.N., Central Women's Services, rose in opposition to **HB 2176** (Attachment 11). She stated that the main goal of pro-choice supporters and abortion providers is to ensure the safety and privacy of women seeking abortions, and the bill does not have any true intentions of making reproductive healthcare any easier or safer for Kansas women. She suggested that instead of focusing on the politically unpopular topic of abortion, legislators should focus on the type of facility, such as office-based surgery, and make regulations that can truly benefit all people seeking any type of outpatient care.

Discussion followed clarifying the issues relating to: total number of abortions and percentage of out-of-state clients, distance traveled to clinics, and standards set by Planned Parenthood

Requests from the committee follow:

- Sylvie Rueff, National Organization of Women, was asked to provide the source of the data contained in her testimony. She agreed to do so.
- Jennifer McAdam, Planned Parenthood, was asked to provide information, as soon as possible, of any of their affiliates across the country that may have experienced problems regarding regulations that would be enacted with the bill.
- Staff was ask to clarify the intent of language of **HB 2176**, on page 6, lines 5 through 16 regarding who would receive the misdemeanor in case of a violation. Would it be the owner, tenant, private entity group, clinic director, or specific physician?
- Julie Burkhart, Women's Health Care Services, was asked whether there were any procedures in place, that require abortion clinics to track and report clients that have experienced problems, within 72 hours following a procedure, requiring visits to other doctors or hospitals. She agreed to check with the doctor and provide that information. Staff was asked to verify if there were any such reports at this time.
- Jennifer McAdam agreed to provide information on the bill, page 4, line 4 regarding what medical personnel is available throughout the procedure.

The hearing on **HB 2176** was closed.

The meeting adjourned at 3:15 p.m. with the next meeting scheduled for February 24, at 1:30 p.m. in room 313-S.

CONTINUATION SHEET