

Reproductive Health Law in Kansas

Summary

Abortion

K.S.A. 65-6709 requires that women of all ages, except in medical emergencies, **give voluntary and informed consent before a physician may induce abortion. Voluntary and informed consent requires that** they have received certain specific information from a health care provider at least 24 hours before an abortion is to be performed, including materials printed by the State concerning fetal development, abortion procedures and community resources; requires the physician who will perform the abortion to meet privately with the woman before any part of the procedure has taken place. 1997

K.S.A. 65-6703 criminalizes post-viability abortions unless the abortion is performed by a physician with a documented referral from an independent physician who agrees that the abortion is necessary to preserve the life of the pregnant woman or that continuation of the pregnancy will cause substantial and irreversible impairment of a major bodily function; requires physicians performing abortions to: determine and document gestational age, and--for those fetuses of 22 weeks or more gestational age--determine and document whether the fetus is viable, and to report such determinations and the basis for same to the Secretary of Health and Environment along with other statistical information about all abortions performed required by K.S.A. 65-445. 1992, 1993, 1998

K.S.A. 65-6721 criminalizes abortions performed using the intact dilation and extraction method after the fetus becomes viable unless the physician can document that: (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible impairment of a major physical or mental function of the pregnant woman. 1998

K.S.A. 65-6702 (b) prohibits political subdivisions of the state from regulating or restricting abortion. 1992

K.S.A. 65-6706 (a) prohibits a person from offering to pay for an abortion in exchange for the fetal organs or tissues; and (b) prohibits the sale of fetal organs or tissue. 2000

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Abortion (continued)

K.S.A. 65-1,172 allows confidential health data to be used for investigating the possible cancer risk related to having an abortion. 1997

K.A.R. 28-4-1400 establishes the Stan Clark Pregnancy Maintenance Initiative Grant Program, which awards grants to not-for-profits for services that enable women to carry their pregnancies to term. No organization that refers for, promotes or educates in favor of abortion may apply for the grant. 2005

Abortion – Treatment of Minors

K.S.A. 65-6705 provides criminal penalties for physicians who perform an abortion on a minor without first notifying one of her parents or guardians, or obtaining written documentation that such notice has been given, or without evidence that a court has waived the notification requirement; this section also specifies procedures for seeking a judicial waiver of the parental notification requirement. 1992, 1993

K.S.A. 65-6704 specifies special counseling requirements for a minor seeking abortion and that she be accompanied to the counseling by an "interested" adult over the age of twenty-one not affiliated with the abortion provider. 1992

K.S.A. 38-2003 excludes abortion from health services covered under the State children's insurance program, unless (1) the pregnancy is the result of an act of rape, aggravated indecent liberties with a child or incest; or (2) if necessary to save the life of the pregnant woman. 1998

K.A.R. 16-10-3 requires physicians who perform abortion on minors under 14 years of age to collect, preserve and submit fetal tissue to the K.B.I for use as evidence in child rape prosecutions. The minor and her parents' names and addresses must also be reported to the K.B.I. 2005

Contraception

K.S.A. 65-6702 (a) prevents the state and its subdivisions from prohibiting the use of contraceptives or the disposition of the products of in vitro fertilization prior to implantation. 1992

Medical Provider and Institution Refusals

K.S.A. 65-443 allows individuals to refuse to perform or participate in medical procedures that result in the termination of a pregnancy. 1969, 1975

K.S.A. 65-444 allows hospitals, hospital administrators or governing boards to prohibit the termination of pregnancies within their institutions. 1969, 1970

K.S.A. 76-3308 prevents any medical facility, hospital or clinic owned, leased or operated by the University of Kansas Hospital Authority from performing an abortion, except in the event of a medical emergency. 1998

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Medical Provider and Institution Refusals (continued)

K.S.A. 65-1637 allows a pharmacist to refuse to fill or refill any prescription if in the pharmacist's professional judgment and discretion such pharmacist is of the opinion that it should not be filled or refilled. 1998

Penalty and Enforcement

K.S.A. 65-6712 states that failure of a physician to provide informed consent and printed materials under act is unprofessional conduct. 1997

K.S.A. 65-6705 provides criminal misdemeanor penalties for any person who performs an abortion on a minor without adhering to the provisions in this section. 1992, 1993

K.S.A. 65-6703 enacts criminal misdemeanor and felony penalties for non-compliance with post-viability abortion provisions. 1992, 1993, 1998

K.S.A. 65-67a06 provides criminal felony penalties for offering monetary or other compensation for an abortion for the purpose of obtaining the fetal organs or tissues. 2000