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Kansas lawmakers pass anti-abortions bills — and this year, they'll get signed into law

By BRAD COOPER
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T OPEKA | It used to be easy for the Kansas Legislature to pass new abortion laws. Getting them signed into law was another matter.

But freshman Gov. Sam Brownback, a Republican and longstanding abortion opponent, is expected to sign two bills that passed the Legislature with overwhelming support Tuesday. One of the bills deals with late-term abortions, the other with parental consent.

Former Democratic Gov. Kathleen Sebelius was far less receptive to signing anti-abortion measures into law, and this year, the Legislature is more conservative.

"We've always been able to pass ... pro-life legislation; it just gets vetoed," said House Speaker Mike O'Neal, a Hutchinson Republican. "What's ironic is we now probably have veto-proof numbers and don't need the numbers because you've got a governor who's willing to sign the legislation."

One bill going to Brownback would ban all abortions at 22 weeks of pregnancy due to fetal pain unless a physician declares the abortion is necessary to save the woman's life or prevent irreversible damage to a major bodily function. The law specifies that bodily function does not include mental or emotional functions, as current law is interpreted.

At least five other state legislatures are considering similar fetal pain bills this year.

The bill, modeled after one passed by Nebraska, is a departure from existing abortion law, which is typically based on gestational age and whether a fetus could survive outside the womb. Both sides in the abortion debate point to conflicting research on when fetuses develop the ability to feel pain.

In legislative hearings, supporters of the bill presented physicians who said fetuses older than 20 weeks can sense the pain of an abortion.

Critics of the fetal pain bill contend that it relies on bad science. The American College of Obstetricians and Gynecologists has said it knows of no legitimate evidence showing a fetus can experience pain. The group said certain hormones developing in the final trimester must be present for a fetus to feel pain.

The second bill that passed Tuesday would require minors to get parental permission before undergoing an abortion. Current law requires that one parent be notified, but neither parent can veto a daughter's abortion.

The bill would require abortion providers to give patients a revised consent statement including wording that abortion "terminates the life of a whole, separate, unique, living human being."

The bill also clarifies language to ensure physicians provide a clearer medical diagnosis for a late-term abortion. Critics had alleged that physicians were able to dodge state law by using bogus language to comply with the law technically but not its intent.

The bills reflect a cultural change, said state Rep. Lance Kinzer, an Olathe Republican who piloted the abortion bills.

"It's a tremendous day," Kinzer said Tuesday. "It's been a long road for the pro-life movement in Kansas to get to this stage — not just a matter of years but going back decades, quite frankly."

Kinzer said the bills give Kansas some of the best abortion restrictions in the country.

Seeing large majorities in the House and Senate pass the bills “speaks to a larger issue of where the culture has really moved on the abortion issue over the last 10 to 15 years,” he said.

Both bills were criticized by Planned Parenthood of Kansas and Mid-Missouri.

“Today’s action further demonstrates the Kansas Legislature’s continued fixation on passing extreme measures that put the health and safety of women at risk while ignoring the real problems facing Kansans — the budget crisis, economy and jobs,” the agency said in a statement.

Planned Parenthood has called the fetal pain legislation “blatantly unconstitutional.” It said the bill would prohibit women from seeking abortions if they discover late in pregnancy that their unborn child will have severe birth defects.

Planned Parenthood officials agree that abortion opponents have been emboldened by Brownback’s election.

Agency spokeswoman Sarah Gillooly said abortion foes have been clearly frustrated by past vetoes of their legislation.

This year, there have been more than a dozen abortion proposals wending their way through the Legislature. They are notable for their “aggressive and extreme” nature, Gillooly said.

Mary Kay Culp, executive director of Kansans for Life, acknowledged that Brownback makes a difference but said lobbyists still have to work the halls of the Capitol.

“You have to earn your way there, but once you’re there we know he’s going to sign it,” Culp said.

The legislation comes as abortions in Kansas are at the lowest point since 1988. The Kansas Department of Health and Environment released preliminary figures Tuesday that showed 8,338 abortions last year, 12 percent fewer than in 2009, and 32 percent fewer than in 2000.

INSIDE

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The Associated Press and The Wichita Eagle contributed to this report.

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