

# Women's Right to Know Act Amended K.S.A. 65-6709

Except in the case of a medical emergency\*, consent to an abortion is voluntary and informed only if:

## At least 24 hours prior to the abortion

The **physician who is to perform the abortion** or the **referring physician** has informed the woman in writing:

- \_\_\_ Name of physician who will perform abortion.
- \_\_\_ Description of proposed abortion method.
- \_\_\_ Description of risks related to the proposed abortion method, including risks to the woman's reproductive health and alternatives to the abortion that a reasonable patient would consider material to the decision of whether to undergo the abortion.
- \_\_\_ Probable gestational age of the fetus at the time of abortion.
- \_\_\_ The following statement: "No person shall perform or induce an abortion when the fetus is viable unless such person is a physician and has a documented referral from another physician not financially associated with the physician performing or inducing the abortion and that both physicians determine that: (1) the abortion is necessary to preserve the life of the pregnant woman; or (2) that a continuation of the pregnancy will cause a substantial and irreversible impairment of a major bodily function of the pregnant woman."
- \_\_\_ Probable anatomical and physiological characteristics of the fetus at the time the abortion is to be performed.
- \_\_\_ Contact information for free counseling assistance for medically challenging pregnancies and the contact information for free perinatal hospice services (*Note: the term "medically-challenging pregnancy" means a pregnancy where the fetus is diagnosed as having: (1) a severe anomaly; or (2) an illness, disease or defect which is invariably fatal.*)
- \_\_\_ Medical risks associated with carrying a fetus to term.
- \_\_\_ Any need for anti-Rh globulin therapy, if she is Rh negative, the likely consequences of refusing such therapy and the cost of the therapy.

The **physician who is to perform the abortion**, the **referring physician**, or a **qualified person** (*qualified person defined in K.S.A. 65-6701(i) means "an agent of the physician who is a psychologist, licensed social worker, registered professional counselor, registered nurse or physician"*) has informed the woman in writing that:

- \_\_\_ Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in K.S.A. 65-6710
  - \_\_\_ The informational materials in K.S.A. 65-6710 are available in printed form and online, and describe the fetus, list agencies which offer alternatives to abortion with a special section listing adoption services and list providers of free ultrasound services
  - \_\_\_ The father of the fetus is liable to assist in the support of the child, even in instances where he has offered to pay for the abortion (*in the case of rape, this section may be omitted*)
  - \_\_\_ The woman is free to withhold or withdraw her consent to the abortion at any time prior to invasion of the uterus without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled
  - \_\_\_ The woman is given a copy of the informational materials described in K.S.A. 65-6710. If the woman asks questions concerning any of the information or materials, answers shall be provided in her own language
  - \_\_\_ The woman is provided and signs a form provided by KDHE, prior to the abortion, that the information required to be provided under subsections (a), (b), and (d) of K.S.A. 65-6709 (\*note: this is the above mentioned information) has been provided and that she has met with the physician who is perform the abortion on an individual basis as provided in subsection (c) of K.S.A. 65-6709
  - \_\_\_ The physician who is to perform the abortion, or the physician's agent receives the sign copy of the KDHE form mentioned above
  - \_\_\_ The woman is informed that she is not required to pay any amount for the abortion procedure until the 24-hour waiting period has expired
- \_\_\_ The **patient** shall certify in writing on a form provided by KDHE, prior to the abortion, that the information required to be provided under subsections (a), (b), and (d) of K.S.A. 65-6709 (\*note: this is the above mentioned information) has been provided and that she has met with the physician who is perform the abortion on an individual basis as provided in subsection (c) of K.S.A. 65-6709

## At least 30 minutes prior to the abortion

The **physician who will use ultrasound equipment** preparatory to or in the performance of the abortion shall:

- Inform the woman she has the right to view the ultrasound image of her unborn child, at no additional expense to her
- Inform the woman that she has the right to receive a physical picture of the ultrasound image at no additional expense to her
- Offer the woman the opportunity to view the ultrasound image, and to receive a physical picture of the ultrasound image
  - If the woman accepts the offer and requests to view the ultrasound image, receive a physical picture, or both, her request shall be granted by the physician at no additional expense to the woman
- Certify, in writing, that the woman was offered the opportunity to view the ultrasound image at least 30 minutes prior to the abortion
  - This certification shall be time-stamped at the time the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image was offered
- Obtain the woman's signed acceptance or rejection of the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image
- The physician's certification together with the pregnant woman's signed acceptance or rejection of such offer shall be placed in the woman's medical file in the physician's office and kept for 10 years
- in the case of a minor, the physician shall keep a copy of the certification and the signed acceptance or rejection in the minor's medical file for five years past the minor's majority, but in no event less than 10 years.

The **physician who will use heart monitor equipment** preparatory to or in the performance of the abortion shall:

- Inform the woman that she has the right to listen to the heartbeat of her unborn child, at no additional expense to her
- Offer the woman the opportunity to listen to the heartbeat of her unborn child
  - If the woman accepts the offer and requests to listen to the heartbeat of her unborn child, her request shall be granted by the physician at no additional expense to the woman
- Certify, in writing, that the woman was offered the opportunity to listen to the heartbeat of her unborn child at least 30 minutes prior to the performance of the abortion
  - The physician's certification shall be time-stamped at the time the opportunity to listen to the heartbeat of her unborn child was offered
- Obtain the woman's signed acceptance or rejection of the opportunity to listen to the heartbeat of her unborn child
- The physician's certification together with the pregnant woman's signed acceptance or rejection of such offer shall be placed in the woman's medical file in the physician's office and kept for 10 years
- In the case of a minor, the physician shall keep a copy of the certification and the signed acceptance or rejection in the minor's medical file for five years past the minor's majority, but in no event less than 10 years

## OTHER REQUIREMENTS

- All physicians who perform abortions shall report the total number of 24-hour notice certification forms received monthly to the KDHE.
  - KDHE shall make the number of certifications received available on an annual basis.
- Any private office, freestanding surgical outpatient clinic, or other facility or clinic in which abortions are performed, shall conspicuously post a sign in a location so as to be clearly visible to patients. The sign required shall be printed with lettering that is legible and shall be at least ¾ of an inch boldfaced type which reads:
  - Notice: It is against the law for anyone, regardless of their relationship to you, to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence. You have the right to change your mind at any time prior to the actual abortion and request that the abortion procedure cease.
- The requirement that the abovementioned sign be posted shall not apply to any private office, freestanding surgical outpatient clinic, or other facility or clinic, which performs abortions only when necessary to prevent the death of the pregnant woman

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*\* Medical emergency is defined in K.S.A. 65-6701 as "that condition, which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function."*