

STATUS OF STATE LEGISLATION TO BAR DISMEMBERMENT ABORTIONS

September 21, 2015

Kansas

The Unborn Child Protection from Dismemberment Abortion Act (SB 95) was signed into law by Governor Sam Brownback on April 7, making Kansas the first state to ban the D&E abortion procedure.

The law was to take effect July 1, but its enforcement was enjoined by Shawnee County District Court Judge Larry Hendricks on June 25. The injunction was issued in a lawsuit against the statute brought by the Center for Reproductive Rights, representing the father/daughter team of Kansas abortionists, Herbert Hodes and Traci Nauser.

Attorney General Derek Schmidt requested that the Kansas Supreme Court hear an expedited appeal in the case, bypassing the state Court of Appeals, due to the unprecedented holding of District Court Judge Hendricks in his injunction order. Judge Hendricks claimed that the Kansas Constitution, adopted in 1859, contains a right to abortion separate from any found in the U.S. Constitution. The Kansas Supreme Court, however, voted 4-3 to decline the attorney general's request and the case will be heard next by the state appeals court.

The text of the legislation signed by the Governor is available at <https://legiscan.com/KS/text/SB95/2015>.

A discussion of the bill and quotes from sponsoring Senator Garrett Love are available at the Kansans for Life blog at <https://kansansforlife.wordpress.com/tag/sen-garrett-love/>

Oklahoma

The Unborn Child Protection from Dismemberment Abortion Act (HB 1721) was signed into law by Governor Mary Fallin on April 13. It is scheduled to go into effect on November 1.

The text of the legislation signed by the Governor is available at http://webserver1.lsb.state.ok.us/cf_pdf/2015-16%20ENR/hB/HB1721%20ENR.PDF.

A press release from sponsoring Representative Pam Peterson on the Oklahoma House's passage of the bill is available at http://www.okhouse.gov/Media/News_Story.aspx?NewsID=5003.

Missouri

The Unborn Child Protection from Dismemberment Abortion Act (HB 920) was introduced in the House on February 11 and referred to the Committee on Children and Families on February 24. The Missouri legislature adjourned without taking action on the bill.

South Carolina

A bill to prohibit dismemberment abortions (S 531) was introduced in the Senate on March 10 and referred to the Committee on Medical Affairs on the same day.

The South Carolina legislature has adjourned for the year, but bills introduced in 2015, such as S 531, will carry over to the 2016 session.