

***AN ACT concerning abortion; prohibiting abortion; creating the crimes of unlawful performance of an abortion and unlawful destruction of a fertilized embryo and establishing penalties therefor; restricting the use of fetal tissue relating to exclusions from sales and use tax exemptions for certain abortion providers.***

**Section 1** The bill establishes equal protection under the law for the unborn through the Kansas constitution and state laws with the same criminal and civil laws that protect the the born in the state of Kansas. The state of Kansas follows the science, which indicates unborn human beings have a distinct DNA and distinct heartbeat independent of the mother; therefore, is a separate human being.

The bill also establishes due process protections for the laws. No born human is sentenced to death unless he/she has been charged and found guilty of Capital murder. Therefore, the state of Kansas will not sentence the unborn to death because he/she has not committed a Capital crime warranting a death sentence without the due process of the law.

The bill affirms abolishing abortion in this state by criminalizing abortion.

**Section 2** The bill affirms that abortion is murder and is therefore unconstitutional. No person has a constitutional right to murder another human being without facing penalties of the law. The Kansas constitution states, “§ 1. **Equal rights.** All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness.” This affirms unborn Kansas citizens have the same rights as born Kansas citizens thus in court to challenge this law since the constitution does not allow murder.

**Section 3** The bill affirms the Kansas legislature under article 2, §1 of the constitution of the state of Kansas may submit articles of impeachment for high crimes and misdemeanors for legalizing murder of an unborn Kansas citizen unless the unborn citizen has been found guilty of a crime worthy of Capital punishment. The laws for the born shall apply to the unborn.

**Section 4** The bill prohibits abortion and the destruction of fertilized embryos by making them a criminal act; level 1 person felony. Current murder laws are level 1 person felony; severity level 1: 147 to 653 months (approx. 12 to 54 years)

Any surgical act performed with the intent to save the life and health of the unborn is not defined as an abortion. If a licensed physician has to remove an unborn child whose death was caused by miscarriage, stillbirth, or ectopic pregnancy, it is not defined as an abortion.

Amends the definition of "abortion" to mean the act of using or prescribing an instrument, drug, medicine or any other substance, device or means with the intent to cause the death of an unborn child.

Defines an “unborn child” means a living human child from the moment of fertilization in utero through pregnancy until birth, including the developmental stages of human conceptus, zygote, morula, blastocyst, embryo and fetus.

Defines "fertilization" means the fusion of a human spermatozoon with a human ovum.

**Section 5** Amends K.S.A. 2022 Supp. 21-5301, which creates criminal cause of action for any attempt to obtain an abortion or attempt to destroy a fertilized embryo. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 6** Amends K.S.A. 2022 Supp. 21-5302, which creates a criminal cause of action for any conspiracy to commit a crime or assisting in committing a crime in relation to the internal reference to the definition of "abortion" to refer to Section 4.

**Section 7** Amends K.S.A. 2022 21-5303, which defines the general crime of criminal solicitation and establishes the penalty at three severity levels below the underlying crime. As amended, it would include unlawful performance of abortion and the destruction of an embryo. Since Section 1 makes criminal solicitation of those particular crimes the same severity level as the underlying crime, K.S.A. 21-5303 needs to be amended to exclude the Section 1 crimes from the general lower severity level.

**Section 8** Amends K.S.A. 2022 60-1901, which creates the civil cause of action for the wrongful death of a person. As amended by the bill draft, the statute would allow for punitive or exemplary damages in addition to actual damages. The statute updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 9** Amends K.S.A. 2022 60-1906, which generally prohibits wrongful life or wrongful birth claims. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 10** Amends K.S.A. 65-2401, which provides relevant definitions for the Uniform Vital Statistics Act. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 11** Amends K.S.A. 65-2837, which provides relevant definitions for professional incompetency. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 12** Amends K.S.A. 65-6731, which updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 13** Amends K.S.A. 65-6732, which makes the legislative declaration that life begins at conception. The bill draft amends subsection (b) to state that the laws of Kansas are to be interpreted to acknowledge the rights of unborn children, and that any state law, regulation, or executive order that would deprive an unborn child of the right to life is void and has no effect.

**Section 14** Amends K.S.A. 65-67a01, which provides relevant definitions for the statutes governing the disposition of fetal tissue and remains. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 15** Amends K.S.A. 65-67a02, which governs the use of fetal tissue for scientific research purposes. As amended by the bill draft, the statute would prohibit such use except with the voluntary and informed consent of one of the parents of the unborn child whose tissue from a dead human embryo or fetus subsequent to a miscarriage or stillbirth.

**Section 16** Amends K.S.A. 65-67a04, which prohibits certain acts with respect to the donation of fetal tissue. As amended by the bill draft, the statute would prohibit, without exception, the solicitation or transfer of fetal tissue for the purpose of transplantation into another person. Repeals all language referring to fetal tissue obtained by abortion since abortions would be illegal.

**Section 17** Amends K.S.A. 65-67a07, which requires the voluntary and informed consent of the pregnant woman to use any fetal tissue from her pregnancy for medical, scientific, experimental, or therapeutic use. As amended by the bill draft, the statute would require the consent of either the mother or father of the unborn child for whose tissue is being donated. A person who intentionally, knowingly, or recklessly violates this section shall be guilty of a severity level 2, nonperson felony; severity level 2: 92 to 144 months (approx. 7.5 to 12 years).

**Section 18** Amends K.S.A. 76-3308, which provides the powers and duties of the University of Kansas Hospital Authority. As amended by the bill draft, the statute would prohibit the performance of abortions in any medical care facility owned, leased, or operated by the Authority.

**Section 19** Amends K.S.A. 79-32,182b, which provides tax credits for corporations for certain research and development activity expenditures. Currently, the statute prohibits tax credits for expenditures incurred in the performance of an abortion. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 20** Amends K.S.A. 79-32,195, which provides relevant definitions for statutes that provide tax credits for certain community service contributions. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 21** Amends K.S.A. 79-32,261, which provides tax credits for certain contributions to colleges and universities. The bill draft updates the internal reference to the definition of "abortion" to refer to Section 4.

**Section 22** Amends K.S.A. 79-3606, which provides sales and use tax exemptions for certain sales. Currently, the statute prohibits a tax exemption for sales to entities that perform abortions. Since such entities can no longer perform abortions under Section 1 of the bill, the statutory ban on sales tax exemptions for such entities is no longer necessary and is stricken from the statute in subsections (ll), (rr), and (ccc).

**Section 23** adds a severability clause.

**Section 24** repeals K.S.A. 38-2003, 65-445, 65-4a01, 65-4a02, 65-4a03, 65-4a04, 65-4a05, 65-4a06, 65-4a07, 65-4a08, 65-4a09, 65-4a10, 65-4a11, 65-4a12, 65-2401, 65-2837, 65-6701, 65-6702, 65-6703, 65-6708, 65-6709, 65-6710, 65-6711, 65-6712, 65-6714, 65-6715, 65-6721, 65-6722, 65-6723, 65-6724, 65-6725, 65-6726, 65-6731, 65-6732, 65-6741, 65-6742, 65-6743, 65-6744, 65-6745, 65-6746, 65-6747, 65-6748, 65-6749, 65-67a01, 65-67a02, 65-67a04, 65-67a07, 65-67a09, 76-3308 and 79-32,195 and K.S.A. 2022 Supp. 21-5301, 21-5302, 21-5303, 60-1901, 60-1906, 79-32,182b, 79-32,261 and 79-3606 since abortion is criminalized and punishable by prison.

**Section 25** established the bill shall take effect upon publication in the statute book.