



Testimony of the ACLU of Kansas and Western Missouri In Opposition to SB 142

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By

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Thank you Chairman King, and members of the committee, for the opportunity to testify in opposition to SB 142. The ACLU opposes HB 142 as it violates a woman's rights to decisional autonomy and discourages the sharing of all fetal health information violating a woman's right to making a woman's right to make informed health care decisions.

**Kansas Women Have A Right To Know.** Kansas sets higher standards for the delivery of health-related information to women in the abortion context. The Kansas Woman's Right to Know Act includes mandatory ultrasounds, state mandated information booklets, and multiple meetings health care providers to complete the informed consent process for abortion. Women are entitled to all the information available that can help them decide how to handle their pregnancy and whether or not to have an abortion, including fetal health information. SB 142 contradicts Kansas' commitment to full informed choice by undermining a woman's decision making ability by allowing physicians to withhold information from a patient the physician believes could lead that pregnant woman to making a decision to end her pregnancy. Kansas women have a right to full information about their pregnancy; information that might lead them to learn more about a child's condition so that they are prepared to be the best parents they can be to their child.

**SB 142 contradicts the importance of reproductive freedom to equality.** By lessening doctors' incentives to provide female patients with complete information, the woman is not only denied personal health information critical to her informed decision making, but her doctor also denies her a second decision-the right to an abortion. SB 142 allows doctors to apply a different standard of medical care to reproductive health care. Serious consequences could arise if obstetrician-gynecologists are not held to the same standard of care as other physicians.

The ACLU feels that it should be the justice system, not the legislature, to decide if parents have a claim of wrongful birth. Because doctors' responsibility to provide information to their patients has been regulated in large part by the reality of litigation, SB 142's legislative manipulation of health information inflicts a heavy penalty on pregnant women by favoring the doctor's judgment and power over the woman's right to make an informed decision. Therefore, we respectfully ask that you oppose SB 142.