

Kansas anti-abortion bill defines life as beginning “at fertilization”

Kate Randall
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Kansas is the latest US state to adopt new anti-abortion legislation, passing a measure that defines life as beginning “at fertilization.” In addition, the bill imposes tax penalties on abortion providers, restricts them from involvement in school sex education, dictates information they must provide to patients seeking abortions, and generally codifies religious doctrine hostile to the fundamental right to abortion.

The Kansas House of Representatives passed the legislation in a 90 to 30 vote Friday night, a few hours after the state Senate approved it 90 to 30. Republican Governor Sam Brownback, staunchly anti-abortion, is expected to sign it into law.

The move came a day after a clinic providing abortion and other women’s health services reopened at the same site in Wichita, Kansas where an abortion provider, who was later slain, had practiced. Dr. George Tiller was gunned down at his church by an anti-abortion fanatic in May 2009. (See “The assassination of Dr. George Tiller”)

The Kansas bill comes in the wake of a number of anti-abortion measures being adopted across the country, including one in Arkansas banning abortions in the 12th week of pregnancy, as well as one in North Dakota that bans abortions after the sixth week, the earliest a fetal heartbeat can be detected via intravaginal ultrasound. (See “North Dakota enacts most restrictive abortion laws in US”)

These laws seek to undermine the 1973 *Roe v. Wade* ruling of the US Supreme Court protecting the right of women to obtain abortions. The Kansas legislation does not supplant current state law that bans most abortions after the 22nd week of pregnancy. What it does aim to do is place the state in a position to outlaw all abortions should the Supreme Court reverse its decision upholding abortion rights.

As with similar state anti-abortion legislation, the Kansas bill will face legal challenges. The bill clearly violates the principle of separation of church and state, as laid out in the First Amendment to the US Constitution. The implication of the legislation is that women would be forced to carry pregnancies to term against their will based on religious doctrine dictating that life begins at conception.

The legislation further implies that since a person becomes “alive” at conception, performing an abortion would be the legal equivalent of murder.

In addition to defining life as beginning “at fertilization” the bill bans public school districts from allowing abortion providers to offer, sponsor or furnish course materials or provide instruction on human sexuality or sexually transmitted diseases. These measures serve to endanger the sexual health of students as well as put young women at risk for unwanted pregnancies.

The Kansas legislation would also require clinics providing abortions to give women details about fetal development and potential abortion health risks, including the supposed link between abortions and breast cancer. To back up this claim, supporters of the bill point to some medical evidence that carrying a pregnancy to term can lower the risk for breast cancer.

The National Cancer Institute concluded a decade ago that abortion does not raise the risk of developing breast cancer. But anti-abortion advocates have seized on the possible link between childbirth and a lowered risk for breast cancer as the rationale for forcing women to continue a pregnancy against their will.

The legislation includes a provision that bans so-called “sex-selection” abortions, where the abortion is conducted because of the parents’ preferences for a child of a different sex. There is no data showing that

terminating pregnancies based on the sex of the fetus is a practice of any significance in Kansas or in the US more generally. This provision is included as yet another justification for limiting abortion rights.

Under the Kansas bill, abortion providers would be denied the tax rights afforded other health care providers. While health care providers are not required to pay sales tax on items they purchase, abortion providers would be denied this tax-break. In a further vindictive move, women deducting medical expenses on their income taxes would not be allowed to include abortion costs.

If the bill is signed into law, Kansas would become the eighth state to define life as beginning at fertilization or conception. Missouri, Kentucky, Arkansas, Illinois, Louisiana, North Dakota and Ohio have already passed such legislation.

Thirteen states have “personhood” laws on the books protecting the “rights” of the embryo or fetus, with the aim of criminalizing abortion providers or women seeking or obtaining abortions. The Kansas bill includes language that would protect the rights of fetuses in probate and other legal matters.



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