

# Abortion-rights group challenges new Kansas restrictions

June 1 2015, by Roxana Hegeman

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An abortion-rights group challenged Kansas' first-in-the-nation ban on a second-trimester procedure that anti-abortion activists describe as dismembering a fetus.

The lawsuit filed Monday in Shawnee County District Court by the Center for Reproductive Rights asks the court to declare the law unconstitutional and block it from taking effect in July as scheduled. The suit was filed on behalf of two doctors at the Center for Women's Health in Overland Park.

Gov. Sam Brownback signed the legislation April 7. The measure had been proposed by the National Right to Life Committee as model legislation, and Oklahoma enacted its own law days after Kansas.

Kansas Attorney General Derek Schmidt's office issued a statement saying, "As is our duty, our office will provide for a vigorous defense of the state's duly enacted laws."

Under the new law, doctors would be banned from using forceps, clamps, scissors or similar instruments on a live fetus to remove it from the womb in pieces. Such instruments are commonly used in dilation and evacuation procedures performed during the second trimester.

The lawsuit contends that the procedure is the most common method of ending a pregnancy after 14 weeks, and is used in 95 percent of second-trimester abortions nationwide. It says the ban means a woman seeking a

second-trimester abortion would instead have to submit to more complex and risky medical procedures.

"We are confident this court will see the harm this law would inflict upon Kansas women and block it before even one woman is denied the care that she and her doctor have decided is best," said Nancy Northup, president and CEO of the Center for Reproductive Rights.

Their legal challenge comes as no surprise. Schmidt told the Legislature in April that defending the law could cost the state up to \$450,000. His office already has paid outside attorneys \$1.2 million to defend other anti-abortion laws enacted since Brownback took office in January 2011. The state hasn't lost a lawsuit over them.

The lawsuit, which names Schmidt and Johnson County District Attorney Stephen Howe as defendants, was filed on behalf of doctors Herbert Hodes and Traci Nauser, a father-daughter team of ob-gyns in Overland Park.

It contends there is no way doctors can continue to provide the dilation and evacuation procedure, and still comply with the new law, without altering their practice in a way that increases the complexity and risk of the abortion. That would entail first severing the umbilical cord or using an intrusive, painful injection to first kill the fetus— added procedures that carry increased medical risks to the woman.

The lawsuit calls the law "an affront both to patients' right to be free from unnecessary medical procedures and physicians' ability to act in what they believe is the best interests of their patients and in accordance with their ethical obligations." The Center for Reproductive Rights says Brownback signed the [law](#) over the objections of local and national medical experts, including over 20 area doctors.

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