

Kansas governor signs nation's first ban on abortion procedure

7 April 2015, by John Hanna

Kansas became the first state Tuesday to ban a common second-trimester abortion procedure that critics describe as dismembering a fetus.

Republican Gov. Sam Brownback, a strong abortion opponent, signed a bill imposing the ban, and the new law takes effect July 1. He and the National Right to Life Committee, which drafted the measure, said they hope Kansas' example spurs other states to enact such laws. Already, the measure also has been introduced in Missouri, Oklahoma and South Carolina.

"This law has the power to transform the landscape of abortion policy in the United States," committee president Carol Tobias said in a statement.

Two abortion rights groups that operate Kansas clinics with abortion services, Trust Women and Planned Parenthood of Kansas and Mid-Missouri, said they're considering challenging the new law in court.

"We will become a bellwether for future introductions of this bill in the states," said Laura McQuade, president and CEO of the Planned Parenthood chapter.

Abortion rights supporters say the law, which bans the dilation and evacuation procedure and redefines it as "dismemberment," could be vulnerable to a lawsuit because it bans some abortions before a fetus can survive outside the womb and contains no mental health exception for the mother.

A Delaware-based law professor said U.S. Supreme Court precedents over the past 15 years suggest the Kansas law wouldn't survive a challenge but added that the justices may revise past stances.

Under the law, the procedure is banned except

when necessary to save a woman's life or prevent irreversible damage to her physical health. Doctors cannot use forceps, clamps, scissors or similar instruments on a fetus to remove it from the womb in pieces.

Anti-abortion groups are confident the new law will withstand a legal challenge, based on a U.S. Supreme Court ruling in 2007 in which it upheld a federal ban on a late-term procedure described by abortion opponents as "partial-birth abortion."

But in that ruling, the court's 5-4 majority rejected an argument that the federal law would have banned the more common dilation and evacuation procedure described by the Kansas law, according to Widener University law professor John Culhane.

"If it was so obvious that it wouldn't run afoul of the court, you would have seen a law like this sooner," he said.

Brownback signed the bill in a private ceremony at his official residence; his office said he would re-enact it at multiple public events later this month. A photo from Tuesday's ceremony tweeted by the governor's office showed Brownback flanked by anti-abortion leaders and two large photos of fetuses.

Abortion rights supporters said the procedure is often the safest for women seeking to terminate pregnancies during the second trimester. It accounted for about 9 percent of abortions last year in Kansas, where most pregnancies are terminated in the first trimester and the state already bans most abortions at or after the 22nd week.

Brownback spokeswoman Eileen Hawley called it "a horrific procedure." But Julie Burkhart, founder and CEO of Trust Women, said in a statement that the new law is "dangerous" and "dictates to qualified physicians how they can practice medicine and treat their patients."

More information: The new Kansas law:
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