



**TESTIMONY SUBMITTED TO THE COMMITTEE ON PUBLIC HEALTH AND WELFARE OF  
THE KANSAS SENATE**

**OPPOSING SB 95**

**FEBRUARY 2, 2015**

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The American Civil Liberties Union of Kansas works to preserve and strengthen the constitutional liberties, including the right to reproductive freedom, of every person in Kansas. The ACLU of Kansas opposes SB 95 because of its unwarranted political interference in a woman's most personal, private medical decisions, because it is an infringement on freedom, and because it raises serious constitutional issues.

Every pregnancy is different and we cannot presume to know all the circumstances surrounding the personal, medical decision to have an abortion. The United States Supreme Court has recognized that the Constitution protects a woman's ability to make the decision to have an abortion, and has repeatedly reaffirmed that a woman's ability to make the best decision for her circumstances should not be impaired because others disagree with her decision. Indeed, the Supreme Court has recognized that a woman should "be free from unwarranted governmental intrusion" when deciding to continue or terminate a pregnancy (*Planned Parenthood v. Casey*, 505 U.S. 833, 851 – 1992).

Yet, SB 95 is just such an act of unwarranted governmental intrusion. The bill would significantly limit a woman's ability to make a personal, medical decision. Moreover, the bill would infringe upon the relationship between a doctor and a patient, preventing the doctor from providing health care appropriate to the individual circumstances faced by a patient. In difficult circumstances, a woman deserves the best medical care available – and the freedom to make decisions about that care, in partnership with a doctor – not unnecessary restrictions on that care or judgment from elected officials.

This bill effectively substitutes the opinions of individual politicians for the expertise of doctors and the judgment of a woman who knows her own circumstances best.

This legislation raises clear constitutional issues, flying in the face of established court rulings. Indeed, the bill's proponents themselves acknowledge that SB 95 raises constitutional issues and will likely be the subject of a lengthy court battle. That promises to be an expensive proposition; Kansas taxpayers have already spent more than \$1 million on legal fees related to the state's unprecedented number of restrictions on a woman's freedom to make decisions about abortion and her own health. The ACLU has successfully used litigation to block other restrictions on reproductive freedom that raised constitutional issues.

Kansans may not all agree on abortion, but we can all agree that it is important to support a woman's health and well-being. This bill is wrong, not just because it raises serious constitutional issues, but because it puts politics above a woman's health. On behalf of our members across the state, the ACLU of Kansas urges you to oppose SB 95.