

LIFE & LEGISLATION

AMERICA'S **BIG** DIVIDE ON ABORTION

A student-produced program for American Public Square

Tuesday, April 25 | 5:30 PM
Kansas City Public Library – Plaza
americanpublicsquare.org

Abortion is a topic that blurs the line between church and state creating tension between personal choices, medical decisions and legislative implications.

The program's panel will deliberate the social, economic and political implications of abortion law.

Enclosed are some important facts to consider as you listen to the program.



American Public Square
AT JEWELL

PROGRAM PARTICIPANTS



PANELIST

Doug Alpert

Rabbi, Congregation Kol Ami



PANELIST

Megan Madrigal

Obstetrician and Gynecologist



MODERATOR

Meg Cunningham

Reporter, The Beacon



PANELIST

John Carney

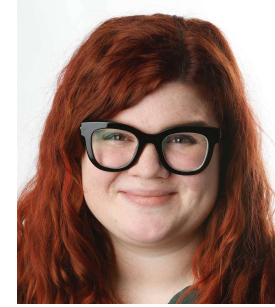
Center for Practical Bioethics
(Ret. CEO)



PANELIST

Gloria Purvis

Author, Commentator, Advocate



ROVING REPORTER

Hannah Wise

The Kansas City Star



PANELIST

Kris Kobach

Attorney General
State of Kansas



PANELIST

David Slusky

Professor of Economics
Univ. of Kansas



American Public Square

AT JEWELL



MISSOURI LAW

Signed June 24, 2022 | Governor Mike Parson's proclamation notifies the Missouri Revisor of Statutes of the effective date of Section 188.017 RSMo.

Section 188.017, or the "Right to Life of the Unborn Child Act," includes several provisions:

- **Prohibits doctors from performing abortions unless there is a medical emergency** [definition articulated in the statute is];
"Medical emergency", a condition which, based on reasonable medical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman;"
- **Creates criminal liability for any person who knowingly performs or induces a non-medical emergency abortion** and subjects his or her professional license to suspension; and
- **Protects any woman who receives an illegal abortion from being prosecuted** in violation of the Act.

The "Right to Life of the Unborn Child Act" was included in HB 126 and contingent upon the U.S. Supreme Court overruling *Roe v. Wade* in whole or in part. Governor Parson signed HB 126 in 2019.



KANSAS LAW

The Kansas Supreme Court ruled in 2019 in *Hodes & Nauser v. Derek Schmidt* that the state's constitution implies a right to abortion that can't be overruled by state lawmakers.

However, restrictions on abortion have been enacted, outlined in Kansas Statutes 65-6701 et seq (source link available on event web page).

Abortion is legal up to 20 or more weeks postfertilization (22 weeks after the last menstrual period), with the following restrictions:

- A patient must receive from a physician, state-directed information in order to provide informed consent and then wait 24 hours before the procedure is provided.
- Private insurance policies cover abortion only in cases of life endangerment, unless individuals purchase an optional rider at an additional cost.
- Health plans offered in the state's health exchange under the Affordable Care Act can only cover abortion in cases of life endangerment.
- Abortion is covered in insurance policies for public employees only in cases of life endangerment.
- The use of telemedicine to administer medication abortion is prohibited.
- The parents of a minor, or legal guardian, must consent before an abortion is provided.
- Public funding is available for abortion only in cases of life endangerment, rape or incest.
- A patient must undergo an ultrasound before obtaining an abortion; the provider must offer the patient the option to view the image.
- An abortion may be performed at 20 or more weeks postfertilization (22 weeks after the last menstrual period) only in cases when the mother's life or a "major bodily function" is in jeopardy.
- The state prohibits abortions performed for the purpose of sex selection.

On Aug. 2, 2022, Kansans rejected a ballot measure that would have removed state constitutional protections for abortion rights from the Kansas Constitution. It failed by 18 percentage points.

THE DOBBS RULING

Dobbs v. Jackson Women's Health Organization is the 2022 Supreme Court case that reversed *Roe v. Wade* (1973) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, (1992), the decisions that originally asserted the fundamental right to an abortion prior to the viability of the fetus and resulted in legal nationwide abortion. ***Dobbs v. Jackson* reversed that precedent and states that the Constitution does not confer a right to abortion; and the authority to regulate abortion is “returned to the people and their elected representatives,” thereby removing federal protection of abortion. Thirteen states now have abortion bans in place.**

Recently, U.S. District Judge Matthew Kacsmaryk ruled in favor of blocking the federal approval for abortion drug mifepristone. The Biden Administration appealed the ruling, and the U.S. Supreme Court stayed the lower court's preliminary injunction banning or limiting the FDA-approved use of the abortion pill mifepristone while the issue is being litigated. The case is now returned to the 5th U.S. Circuit Court of Appeals, which has scheduled oral arguments for May 17. Regardless of how the 5th Circuit rules, the case will almost certainly end up back at the Supreme Court, with the potential for a decision in the next term.

The court's action means that for now at least, the drug will be widely available, at least in those states where abortion is legal for up to 10 weeks into a pregnancy.

5 FAST FACTS FROM THE CDC

Excludes California, Maryland, and New Hampshire who do not voluntarily report to CDC.

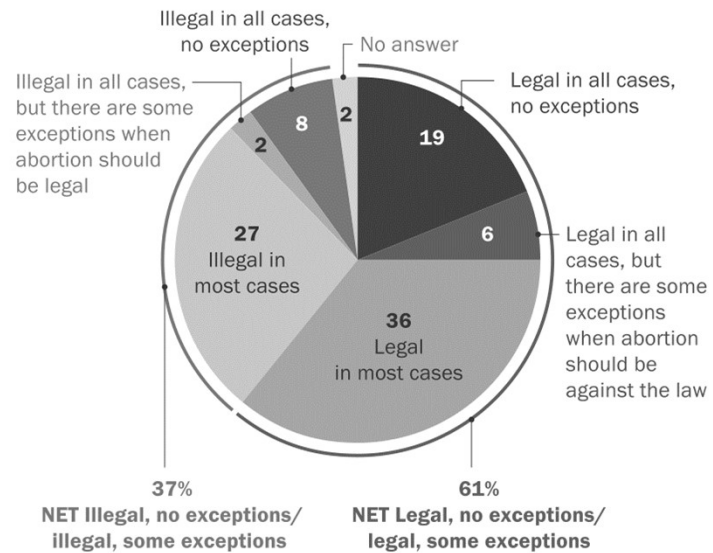
Source link available on event web page.

1. **For 2020, a total of 620,327 abortions were reported to CDC by 49 areas; 167 in MO and 7,526 in KS** (51.8% of KS abortions were obtained by out-of-area residents).
2. **92.5% of KS and 21.6% of MO abortions occurred in the first 13 weeks of gestation.**
3. **In 2020, women in their 20s accounted for more than half of abortions (57.2%).**
4. **Abortion rates decreased from 2011 to 2020 among all age groups.**
5. **In 2020, the highest percentage of abortions were performed by early medical abortion at ≤9 weeks' gestation (51.0%), followed by surgical abortion at ≤13 weeks' gestation (40.0%).**

WHERE AMERICANS STAND

Majority of adults say abortion should be legal in some cases, illegal in others

% of U.S. adults who say abortion should be ...



Note: Pie chart shows combined result of three separate questions. Adults who answered that abortion should be legal in all cases but skipped the follow-up question were coded as "legal in all cases, no exceptions." Adults who answered that abortion should be illegal in all cases but skipped the follow-up question were coded as "illegal in all cases, no exceptions." See topline for full details.

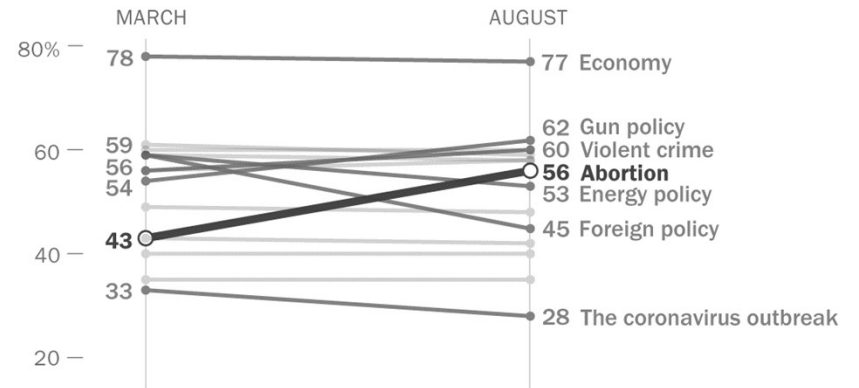
Source: Survey of U.S. adults conducted March 7-13, 2022.

"America's Abortion Quandary"

PEW RESEARCH CENTER

Image source links available on event web page.

% of registered voters saying each is *very important* to their vote in the 2022 congressional elections



Note: Based on registered voters.

Source: Survey of U.S. adults conducted Aug. 1-14, 2022.

PEW RESEARCH CENTER

ADDITIONAL RECOMMENDED RESOURCES



The students have compiled several resources they recommend to the audience. Access a list of those resources on the event webpage by scanning the QR code with your smart phone or by visiting americanpublicsquare.org/event/life-and-legislation-americas-big-divide-on-abortion/.



APS CIVILITY TOOLS

For each program, APS uses “Civility Tools” to ensure conversations remain **substantive, respectful** and **based on facts**.



FACT SHEETS

A fact sheet is developed in advance and is reviewed by the panelists and distributed to the audience before a program to ensure the discussion begins from a **“common well” of information.**



CIVILITY BELLS

Civility Bells are available for the audience to ring when the conversations wade into false, overly dramatic or hyper-emotional territory. **When a bell rings, the speaker must stop talking.**



FACT-CHECKERS

Real-time fact checkers confirm the validity of comments made. Audience members are encouraged to request fact checks during the discussion.



MODERATED DISCUSSIONS

An objective facilitator ensures **each panelist is given due time to represent their position.** Questions are tough, but fair and allow free flow of conversation.



ROVING REPORTERS

A Roving Reporter is usually a representative from a credible local media outlet and engages during the program to **gather and curate audience questions.**



NO APPLAUSE

No applause is allowed during a program except at the beginning and end of the event. **This ensures perspective is not swayed** one way or another during the discussion.



SO WHAT, NOW WHAT?

At the end of each event, panelists can make closing statements in the form of answers to these questions. This allows our experts to restate their position in a way that is **actionable for the audience.**