



Written by [Raven Clabough](#) on April 8, 2015

# Kansas Is First State to Ban Second-trimester Abortion

## Method

Kansas has become the first state to ban a second-trimester abortion method. During a private ceremony in his home, Governor Sam Brownback (shown) signed the bill on Tuesday that will impose the ban, effective July 1.



The law bans the dilation and evacuation abortion procedure and redefines that procedure as “dismemberment abortion.” The procedure accounted for approximately nine percent of the abortions in Kansas last year, reports CBS News. The state already bans most abortions after the 22nd week.

The measure was drafted by the National Right to Life Committee, an organization that has targeted second-trimester abortions for their brutality.

“The Unborn Child Protection from Dismemberment Abortion Act is the first of what we hope will be many state laws banning dismemberment abortions,” said Carol Tobias, president of National Right to Life. “This law has the power to transform the landscape of abortion policy in the United States.”

The procedure involves dilating the cervix with medication and removing the fetus with forceps, often in parts. It is used in nearly all procedures after the 12th to 14th week of pregnancy, the *New York Times* reports.

“Dismemberment abortion kills a baby by tearing her apart limb from limb,” said Mary Spaulding Balch, J.D., National Right to Life director of state legislation. “Before the first trimester ends, the unborn child has a beating heart, brain waves, and every organ system in place. Dismemberment abortions occur after the baby has reached these milestones.”

The new law has made an exception to the ban when it is necessary to save the life of the mother or prevent irreversible damage to her physical health.

On Twitter, Governor Brownback stated that he was proud to sign a law “protecting life at its most vulnerable stage.”

Pro-abortion groups, however, have defended the procedure, stating it is the safest for women who seek to terminate their pregnancies in the second trimester.

Quoting gynecologist Kathleen Morrell, a fellow for the pro-abortion group Physicians for Reproductive Health, the *New York Times* reports, “Alternatives in the second trimester, like medically induced, nonsurgical abortions, are more dangerous for some women, can involve days of uncertain waiting and may require access to hospital facilities.”

Morrell states, “When it is safe to offer a choice of induction or D and E [dilation and evacuation], my patients overwhelmingly choose D and E. They are able to be asleep and comfortable for the procedure



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and then can go home to their own beds at night.”

But while the mothers are benefiting from a hassle-free, restful procedure, the fetus obviously suffers. In 2013, Dr. Maureen Condic, associate professor of neurobiology and anatomy at the University of Utah, testified before Congress that fetuses feel pain as early as eight weeks into the pregnancy.

“The neural circuitry responsible for the most primitive response to pain, the spinal reflex, is in place by 8 weeks of development,” she explained. “This is the earliest point at which the fetus experiences pain in any capacity.”

At that point, the scientist confirmed “a fetus responds just as humans at later stages of development respond; by withdrawing from the painful stimulus.”

“This indicates that the brain is ‘wiring’ itself in the first trimester, well before reaching the fetal stage of life. Early establishment of connections between neurons further indicates that brain formation is an active process of progressively building the structures and relationships required for mature brain function,” she confirmed.

“To experience pain, a noxious stimulus must be detected. The neural structures necessary to detect noxious stimuli are in place by 8-10 weeks of human development,” Condic continued. “There is universal agreement that pain is detected by the fetus in the first trimester. The debate concerns how pain is experienced, i.e., whether a fetus has the same pain experience a newborn or an adult would have. While every individual’s experience of pain is personal, a number of scientific observations address what brain structures are necessary for a mental or psychological experience of pain.”

According to the *New York Times*, doctors may be able to comply with Kansas’ new law by mirroring a method used in late-term abortions involving injecting the heart of the fetus with a drug called digoxin to cause a fatal heart attack before starting the dilation and evacuation procedure, though there are indications that using digoxin earlier than 18 weeks into pregnancy could cause complications.

Doctors who violate the law would be charged with a misdemeanor in the first offense and with a felony for successive violations.

Julie Burkhart, founder and CEO of pro-abortion group Trust Women Foundation, released a statement regarding the new law. “We call it the ‘physician intimidation and criminalization act,’” Burkhart said. “This is unconstitutional.” “This dangerous law dictates to qualified physicians how they can practice medicine and treat their patients,” Burkhart adds.

Trust Women and Planned Parenthood of Kansas and Mid-Missouri are considering challenging the 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. The group posted on its Facebook page,

Kansas is now not only the sole state with this atrocious law; it also now has more restrictions on abortion than any state in the US. The majority of Kansans know you can’t build a strong, inclusive economy by stigmatizing and punishing more than 50% of the electorate.

But proponents of the new law believe it would withstand a legal challenge, pointing to a 2007 U.S. Supreme Court ruling that upheld a federal ban on partial-birth abortions.

Justice Kennedy added in the Court’s 2007 opinion, *Gonzales v. Carhart*, that dilation and evacuation abortions are “laden with the power to devalue human life.”



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Justice Kennedy also targeted dilation and evacuation abortions in his dissent to the U.S. Supreme Court's 2000 *Stenberg v. Carhart* decision, wherein he observed that in dismemberment abortions, "The fetus, in many cases, dies just as a human adult or child would: It bleeds to death as it is torn limb from limb. The fetus can be alive at the beginning of the dismemberment process and can survive for a time while its limbs are being torn off."

A similar bill appears to be nearing passage in Oklahoma, while others have been proposed in Missouri, South Carolina, and South Dakota. And though the future of this law remains to be seen, for now, it marks a significant victory in the fight to respect innocent life.

*Photo of Kansas Governor Sam Brownback: AP Images*



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