

# JOURNAL OF THE HOUSE

Second Extraordinary Session, 99th GENERAL ASSEMBLY

FIFTH DAY, TUESDAY, JUNE 20, 2017

The House met pursuant to adjournment.

Speaker Pro Tem Haahr in the Chair.

Prayer by Representative Ken Wilson.

Father, we acknowledge who You are, and we acknowledge Your presence here with us today in this assembly.

Father, please help us to be mindful of our hearts and tongues as we go about our work today.

Father, we may not know everything, but we pray that we may know Your will. We may not have the Wisdom of Solomon, but we know how to be gracious and kind and understanding in our words and actions toward each other.

May these few minutes of prayer find each one of us, in his own way, recharged and reaching out to You for help and guidance in this very important work that we do today.

Hear our prayers and be with us this day.

And the House says, "Amen."

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Jonathan T. Dunville.

The Journal of the first day was approved as printed by the following vote:

AYES: 131

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Bernskoetter
Black	Bondon	Brown 27	Burnett	Burns
Butler	Carpenter	Chipman	Christofanelli	Cierpiot
Conway 10	Cookson	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Engler	Evans
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Frederick	Gannon	Gray	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Hurst	Justus	Kelly 141	Kendrick
Kidd	Kolkmeyer	Lant	Lauer	Lavender

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Lichtenegger	Love	Lynch	Marshall	Mathews
May	McCaherty	McCann Beatty	McCreery	McDaniel
McGee	Meredith 71	Merideth 80	Messenger	Moon
Morgan	Morris	Mosley	Muntzel	Newman
Nichols	Peters	Pfautsch	Phillips	Pierson Jr
Pietzman	Pike	Plocher	Pogue	Razer
Redmon	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roberts	Roeber	Rone	Ross
Rowland 155	Runions	Ruth	Shull 16	Smith 163
Spencer	Stacy	Stephens 128	Stevens 46	Swan
Tate	Trent	Vescovo	Walker 3	Walker 74
Wessels	White	Wiemann	Wilson	Wood
Mr. Speaker				

NOES: 002

Beck	Franks Jr
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PRESENT: 001

Unsicker

ABSENT WITH LEAVE: 026

Berry	Brattin	Brown 57	Brown 94	Conway 104
Curtis	Ellington	Fitzpatrick	Green	Johnson
Kelley 127	Korman	Matthiesen	McGaugh	Miller
Mitten	Neely	Quade	Roden	Rowland 29
Schroer	Shaul 113	Shumake	Smith 85	Sommer
Taylor				

VACANCIES: 003

The Journal of the second day was approved as printed by the following vote:

AYES: 133

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brown 27	Brown 94
Burnett	Burns	Chipman	Christofanelli	Cierpiot
Conway 10	Conway 104	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Ellebracht	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Gray	Gregory
Grier	Haahr	Haefner	Hannegan	Hansen
Harris	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hurst	Justus	Kelly 141
Kendrick	Kidd	Kolkmeier	Lant	Lauer
Lavender	Lichtenegger	Love	Lynch	Marshall
Mathews	May	McCaherty	McCann Beatty	McCreery
McDaniel	McGee	Meredith 71	Merideth 80	Messenger
Moon	Morgan	Morris	Mosley	Muntzel
Newman	Nichols	Peters	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Pogue
Razer	Redmon	Rehder	Reiboldt	Reisch

Remole	Rhoads	Roberts	Roeber	Ross
Rowland 155	Runions	Ruth	Shaul 113	Shull 16
Smith 163	Spencer	Stacy	Stephens 128	Stevens 46
Swan	Tate	Taylor	Trent	Vescovo
Walker 3	Walker 74	Wessels	White	Wiemann
Wilson	Wood	Mr. Speaker		

NOES: 002

Beck	Franks Jr
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PRESENT: 001

Unsicker

ABSENT WITH LEAVE: 024

Brattin	Brown 57	Butler	Carpenter	Cookson
Curtis	Ellington	Green	Johnson	Kelley 127
Korman	Matthiesen	McGaugh	Miller	Mitten
Neely	Quade	Roden	Rone	Rowland 29
Schroer	Shumake	Smith 85	Sommer	

VACANCIES: 003

The Journal of the third day was approved as printed by the following vote:

AYES: 134

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 27	Brown 94
Burnett	Burns	Butler	Carpenter	Chipman
Christofanelli	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Ellebracht	Engler	Evans	Fitzpatrick	Fitzwater 144
Fraker	Francis	Franklin	Frederick	Gannon
Gray	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hurst	Justus
Kelly 141	Kendrick	Kidd	Kolkmeyer	Lant
Lauer	Lavender	Lichtenegger	Love	Lynch
Marshall	Mathews	May	McCaherty	McCann Beatty
McCreery	McGee	Meredith 71	Merideth 80	Messenger
Moon	Morgan	Morris	Mosley	Muntzel
Newman	Nichols	Peters	Pfautsch	Phillips
Pierson Jr	Pietzman	Pike	Plocher	Pogue
Razer	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roberts	Roeber	Rone
Ross	Rowland 155	Runions	Ruth	Shaul 113
Shull 16	Smith 163	Spencer	Stacy	Stephens 128
Stevens 46	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	Walker 74	Wessels	White
Wiemann	Wilson	Wood	Mr. Speaker	

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NOES: 004

Barnes 28                      Beck                              Franks Jr                      McDaniel

PRESENT: 001

Unsicker

ABSENT WITH LEAVE: 021

Brown 57                      Curtis                              Ellington                      Fitzwater 49                      Green  
Gregory                      Johnson                              Kelley 127                      Korman                              Matthiesen  
McGaugh                      Miller                              Mitten                              Neely                              Quade  
Roden                              Rowland 29                              Schroer                              Shumake                              Smith 85  
Sommer

VACANCIES: 003

The Journal of the fourth day was approved as printed by the following vote:

AYES: 129

Adams	Alferman	Anders	Anderson	Andrews
Arthur	Austin	Bahr	Bangert	Baringer
Barnes 60	Barnes 28	Basye	Beard	Bernskoetter
Berry	Black	Bondon	Brattin	Brown 27
Brown 94	Burnett	Burns	Butler	Carpenter
Chipman	Christofanelli	Cierpiot	Conway 10	Conway 104
Cookson	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Ellebracht	Engler	Evans	Fitzpatrick
Fitzwater 144	Fraker	Francis	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Harris	Helms	Higdon	Hill
Houghton	Houx	Hurst	Justus	Kelly 141
Kendrick	Kidd	Lant	Lauer	Lavender
Lichtenegger	Love	Lynch	Marshall	Mathews
May	McCaherty	McCann Beatty	McCreery	McGee
Meredith 71	Merideth 80	Messenger	Moon	Morgan
Morris	Mosley	Muntzel	Newman	Nichols
Peters	Pfautsch	Phillips	Pierson Jr	Pietzman
Pike	Plocher	Pogue	Razer	Redmon
Rehder	Reiboldt	Reisch	Remole	Roberts
Roeber	Ross	Rowland 155	Runions	Ruth
Shaul 113	Shull 16	Smith 163	Spencer	Stacy
Stephens 128	Stevens 46	Swan	Tate	Taylor
Trent	Vescovo	Walker 3	Walker 74	Wessels
White	Wiemann	Wilson	Wood	

NOES: 003

Beck                              Franks Jr                              McDaniel

PRESENT: 002

Gray                              Unsicker

ABSENT WITH LEAVE: 026

Brown 57	Curtis	Ellington	Fitzwater 49	Franklin
Green	Henderson	Johnson	Kelley 127	Kolkmeyer
Korman	Matthiesen	McGaugh	Miller	Mitten
Neely	Quade	Rhoads	Roden	Rone
Rowland 29	Schroer	Shumake	Smith 85	Sommer
Mr. Speaker				

VACANCIES: 003

## INTRODUCTION OF HOUSE BILLS

The following House Bills were read the first time and copies ordered printed:

**HB 15**, introduced by Representative McCreery, relating to MO HealthNet services.

**HB 16**, introduced by Representative McCreery, relating to the protection of certain pregnant women while in custody.

**HB 17**, introduced by Representative Merideth (80), relating to certain discriminatory practices.

## HOUSE RESOLUTIONS

Representative Cierpiot offered **House Resolution No. 1**, which was read.

### HOUSE RESOLUTION NO. 1

BE IT RESOLVED, that the Chief Clerk of the House of Representatives of the Ninety-ninth General Assembly, First Regular Session, inform the Senate that the House duly convened in the Second Extraordinary Session of the First Regular Session on Monday, June 12, 2017, and is convened in full session and ready for consideration of its business.

On motion of Representative Cierpiot, **House Resolution No. 1** was adopted.

## MOTION

Representative Cierpiot moved that Rule 66 be suspended.

Which motion was adopted by the following vote:

AYES: 102

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Black	Bondon	Brattin	Brown 94	Chipman
Christofanelli	Cierpiot	Conway 10	Conway 104	Cookson
Corlew	Cornejo	Crawford	Cross	Curtman
Davis	DeGroot	Dogan	Dohrman	Eggleston
Engler	Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49

Fraker	Francis	Franklin	Frederick	Gannon
Gregory	Grier	Haahr	Haefner	Hannegan
Hansen	Helms	Henderson	Higdon	Hill
Houghton	Houx	Hurst	Justus	Kelly 141
Kidd	Kolkmeier	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
Messenger	Moon	Morris	Muntzel	Pfautsch
Phillips	Pietzman	Pike	Plocher	Pogue
Razer	Redmon	Reiboldt	Reisch	Remole
Rhoads	Roeber	Rone	Ross	Rowland 155
Ruth	Shaul 113	Shull 16	Smith 163	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood	Mr. Speaker			

NOES: 036

Adams	Anders	Arthur	Bangert	Baringer
Barnes 28	Beck	Brown 27	Burnett	Burns
Butler	Carpenter	Ellebracht	Franks Jr	Gray
Harris	Kendrick	Lavender	May	McCann Beatty
McCreery	McDaniel	Meredith 71	Merideth 80	Morgan
Mosley	Newman	Nichols	Peters	Pierson Jr
Roberts	Runions	Stevens 46	Unsicker	Walker 74
Wessels				

PRESENT: 001

Curtis

ABSENT WITH LEAVE: 021

Brown 57	Ellington	Green	Johnson	Kelley 127
Korman	Matthiesen	McGaugh	McGee	Miller
Mitten	Neely	Quade	Rehder	Roden
Rowland 29	Schroer	Shumake	Smith 85	Sommer
Spencer				

VACANCIES: 003

Speaker Richardson assumed the Chair.

### THIRD READING OF SENATE BILLS

**HCS SS SB 5**, relating to abortions, was taken up by Representative Franklin.

Representative Franklin offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 12, Section 188.047, Line 1, by inserting immediately after the word "tissue" the words ", **except that tissue needed for purposes described in subsection 5 of this section,**"; and

Further amend said bill, page and section, Line 2, by deleting the words "**seventy-two hours**" and inserting in lieu thereof the words "**five days**"; and

Further amend said bill and section, Pages 12 and 13, Lines 10 to 18, by deleting said lines and inserting in lieu thereof the following:

**"2. The department shall reconcile each notice of abortion with its corresponding tissue report. If the department does not receive the notice of abortion or the tissue report, the department shall make an inquiry of the abortion facility or hospital. After such inquiry, if the hospital or abortion facility has not satisfactorily responded to said inquiry and the department finds that the abortion facility or hospital where the abortion was performed or induced was not in compliance with the provisions of this section, the department shall consider such noncompliance a deficiency requiring an unscheduled inspection of the facility to ensure the deficiency is remedied, subject to the provisions of chapter 197 regarding license suspensions, reviews, and appeals.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Franklin, **House Amendment No. 1** was adopted.

Representative Barnes (60) offered **House Amendment No. 2**.

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 2, Section 188.021, Line 17, by inserting after the word "**question.**" the following:

**"No complication plan shall be required where the patient is administered the drug in a medical emergency at a hospital and is then treated as an inpatient at a hospital under medical monitoring by the hospital until the abortion is completed.";** and

Further amend said bill and page, Section 188.027, Line 5, by deleting the phrase "or [~~a qualified professional~~]" and inserting in lieu thereof the phrase "[~~or~~], a qualified professional, **or**"; and

Further amend said bill and section, Page 3, Line 42, by deleting the phrase "or [~~a qualified professional~~]" and inserting in lieu thereof the phrase "[~~or~~], a qualified professional, **or**"; and

Further amend said bill and section, Page 7, Line 162, by inserting immediately after said line the following:

**"6. The physician who is to perform or induce the abortion shall, at least seventy-two hours prior to such procedure, inform the woman orally and in person of:**

**(1) The immediate and long-term medical risks to the woman associated with the proposed abortion method including, but not limited to, infection, hemorrhage, cervical tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent child to term, and possible adverse psychological effects associated with the abortion; and**

**(2) The immediate and long-term medical risks to the woman, in light of the anesthesia and medication that is to be administered, the unborn child's gestational age, and the woman's medical history and medical conditions.";** and

Further amend said bill and section by renumbering the subsections accordingly; and

Further amend said bill, Page 11, Section 188.039, Line 8, by deleting the phrase "or [~~a qualified professional~~]" and inserting in lieu thereof the phrase "[~~or~~], a qualified professional, **or**"; and

Further amend said bill, page and section, Line 17, by deleting the phrase "or [~~a qualified professional~~]" and inserting in lieu thereof the phrase "[~~or~~], a qualified professional, **or**"; and

Further amend said bill and section, Page 12, Line 23, by deleting the phrase "or [~~a qualified professional~~]" and inserting in lieu thereof the phrase "[~~or~~], a qualified professional, **or**"; and

Further amend said bill, page and section, Line 25, by deleting the phrase "[~~or qualified professional~~]" and inserting in lieu thereof the phrase "or qualified professional"; and

Further amend said bill, page and section, Line 30, by deleting the phrase "[~~or qualified professionals~~]" and inserting in lieu thereof the phrase "or qualified professionals"; and

Further amend said bill, page and section, Line 32, by deleting the phrase "[~~or qualified professional~~]" and inserting in lieu thereof the phrase "or qualified professional"; and

Further amend said bill, page and section, Lines 33-40, by removing said lines and inserting in lieu thereof the following:

"6. As used in this section, the term "qualified professional" shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed social worker, licensed or registered under chapter 334, 335, or 337, acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

7. If the provisions in subsection 2 of this section requiring a seventy-two-hour waiting"; and

Further amend said bill, Page 13, Section 188.047, Lines 19-32, by deleting said lines and inserting in lieu thereof the following:

**"3. Beginning January 1, 2018, the department shall make an annual report to the general assembly. The report shall include the number of any deficiencies and inquiries by the department of each abortion facility in the calendar year and whether any deficiencies were remedied and, for each abortion facility, aggregated de-identified data about the total number of abortions performed at the facility, the termination procedures used, the number and type of complications reported for each type of termination procedure, whether the department received the tissue report for each abortion, and the existence and nature, if any, of any inconsistencies or concerns between the abortion reports submitted under section 188.052 and the tissue report submitted under this section.**

**The report shall not contain any personal patient information the disclosure of which is prohibited by state or federal law.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

On motion of Representative Barnes (60), **House Amendment No. 2** was adopted.

Representative Moon offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Pages 8 to 11, Section 188.030, Lines 1 to 110, by deleting said lines and inserting in lieu thereof the following:

"188.030. 1. [~~Except in~~] **In** the case of a medical emergency[, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is



~~endangered by a]~~ **resulting from pregnancy**, physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman, **every effort shall be exercised to subject the unborn baby to a natural or surgical delivery**. For purposes of this section, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Except in the case of a medical emergency:

(1) Prior to performing or inducing an abortion upon a woman, **due process of law shall be required before the life of any unborn human is ended prior to natural death. Natural death shall mean miscarriage, still birth, or any death not induced by another;**~~[the physician shall determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. In making such determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age;~~

~~———— (2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;~~

~~———— (3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;~~

~~———— (4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.~~

~~(b)] (2)(a) Before a physician may proceed with performing or inducing an abortion upon a woman [when it has been determined that the unborn child is viable], the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. **The physician shall make every effort to subject the unborn baby to a natural or surgical delivery. Following delivery of the baby, the attending physician shall take control of and provide immediate medical care for a child born.** [Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.]~~

~~(c)] (b) Before a physician may proceed with performing or inducing an abortion upon a woman [when it has been determined that the unborn child is viable], the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having~~

staff privileges at the same hospital, **ambulatory surgical center, or abortion facility**, as ~~[the term "hospital" is]~~ defined in **this chapter and** section 197.020.

~~[(c)]~~ (c) Any physician who performs or induces an abortion upon a woman ~~[when it has been determined that the unborn child is viable]~~ shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases ~~[where the physician performs an abortion upon a viable unborn child]~~, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

~~[(e)]~~ (d) No physician shall perform or induce an abortion upon a woman ~~[when it has been determined that the unborn child is viable]~~ unless **due process of law for the unborn has been exercised** and there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life or health of the viable unborn child; provided that it does not pose an increased risk to the life of the woman or does not pose an increased risk of substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this section is guilty of a class D felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section 558.002, shall be fined not less than ~~[ten]~~ **fifty** thousand nor more than ~~[fifty]~~ **one hundred** thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of this section shall ~~[be subject to suspension or revocation of]~~ **have** his or her license to practice medicine in the state of Missouri **revoked** by the state board of registration for the healing arts under the provisions of sections 334.100 and 334.103.

5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section ~~[may be subject to suspension or revocation of]~~ **shall have** its license **revoked** under the provisions of section 197.070.

6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows an abortion of an unborn child to be performed or induced in violation of this section ~~[may]~~ **shall** be subject to ~~[suspension or]~~ revocation of its license under the provisions of section 197.220 **and shall be fined not less than one million dollars.**

7. A woman upon whom an abortion is performed or induced in violation of this section shall not be prosecuted for a conspiracy to violate the provisions of this section.

8. Nothing in this section shall be construed as creating or recognizing a right to abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted in section 1.140. In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this section be declared invalid under the Constitution of the United States or the Constitution of the State of Missouri, it is the intent of the legislature that the remaining provisions of this section remain in force and effect as far as capable of being carried into execution as intended by the legislature.

10. The general assembly may, by concurrent resolution, appoint one or more of its members who sponsored or co-sponsored this act in his or her official capacity to intervene as a matter of right in any case in which the constitutionality of this law is challenged."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Barnes (60) assumed the Chair.

Speaker Richardson resumed the Chair.

Representative Moon moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Butler:

AYES: 043

Anderson	Beard	Bernskoetter	Berry	Bondon
Brattin	Brown 94	Chipman	Crawford	Curtman
Davis	DeGroot	Fitzpatrick	Fitzwater 144	Fitzwater 49
Fraker	Helms	Hill	Hurst	Kelly 141
Kidd	Lynch	Marshall	McDaniel	Moon
Neely	Pietzman	Pogue	Rehder	Reiboldt
Reisch	Remole	Rone	Ross	Smith 163
Sommer	Spencer	Stacy	Taylor	Trent
Vescovo	Wiemann	Wilson		

NOES: 098

Adams	Alferman	Anders	Andrews	Arthur
Austin	Bangert	Baringer	Barnes 28	Basye
Beck	Black	Brown 27	Burnett	Burns
Butler	Carpenter	Christofanelli	Cierpiot	Conway 10
Conway 104	Cornejo	Cross	Curtis	Dogan
Dohrman	Eggleston	Ellebracht	Ellington	Engler
Evans	Francis	Franklin	Franks Jr	Frederick
Gannon	Gray	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Henderson
Higdon	Houghton	Houx	Justus	Kendrick
Kolkmeier	Lant	Lauer	Lavender	Lichtenegger
Love	May	McCann Beatty	McCreery	McGee
Meredith 71	Merideth 80	Messenger	Miller	Morgan
Morris	Mosley	Muntzel	Newman	Nichols
Peters	Pfautsch	Phillips	Pierson Jr	Pike
Plocher	Quade	Razer	Redmon	Rhoads
Roberts	Roden	Rowland 155	Runions	Ruth
Shaul 113	Shull 16	Stephens 128	Stevens 46	Swan
Tate	Unsicker	Walker 3	Walker 74	Wessels
White	Wood	Mr. Speaker		

PRESENT: 003

Barnes 60	McCaherty	Roeber
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ABSENT WITH LEAVE: 016

Bahr	Brown 57	Cookson	Corlew	Green
Johnson	Kelley 127	Korman	Mathews	Matthiesen
McGaugh	Mitten	Rowland 29	Schroer	Shumake
Smith 85				

VACANCIES: 003

Representative Unsicker offered **House Amendment No. 4.**

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 33, Section 595.027, Line 8, by inserting after all of said section and line the following:

**"Section 1. A primary care physician shall ask any female patient over the age of sixteen if she plans to become pregnant within the next year and shall provide counseling and care consistent with her response. Providing counseling regarding abortion shall be prohibited.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Unsicker moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

Representative Morgan offered **House Amendment No. 5**.

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 33, Section B, Line 3, by inserting after all of said section and line the following:

"Section C. The provisions of Section A of this act shall not be enacted until after such time the United States Supreme Court overturns: *Griswold v. Connecticut*, 381 U.S. 479 (1965); *Roe v. Wade*, 410 U.S. 113 (1973); *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992); and *Whole Woman's Health v. Hellerstedt*, 136 S.Ct 2292 (2016)."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Chipman assumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 94	Chipman	Christofanelli	Cierpiot
Conway 104	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Engler	Evans	Fitzpatrick	Fitzwater 144
Fitzwater 49	Fraker	Francis	Franklin	Frederick
Gannon	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Higdon
Hill	Houghton	Houx	Hurst	Justus
Kelly 141	Kidd	Lant	Lauer	Lichtenegger
Love	Lynch	Marshall	Mathews	McCaherty
McGaugh	Messenger	Miller	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pietzman
Pike	Plocher	Pogue	Redmon	Rehder
Reiboldt	Reisch	Remole	Roden	Roeber
Rone	Ross	Rowland 155	Ruth	Shaul 113

Shull 16	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wilson
Wood				

NOES: 038

Adams	Anders	Bangert	Barnes 28	Beck
Brown 27	Burnett	Burns	Butler	Carpenter
Conway 10	Curtis	Ellebracht	Ellington	Franks Jr
Gray	Harris	Kendrick	Lavender	May
McCann Beatty	McCreery	McGee	Meredith 71	Merideth 80
Morgan	Mosley	Newman	Nichols	Peters
Quade	Razer	Roberts	Runions	Stevens 46
Unsicker	Walker 74	Wessels		

PRESENT: 000

ABSENT WITH LEAVE: 021

Arthur	Bahr	Baringer	Beard	Brown 57
Cookson	Green	Johnson	Kelley 127	Kolkmeier
Korman	Matthiesen	McDaniel	Mitten	Pierson Jr
Rhoads	Rowland 29	Schroer	Shumake	Smith 85
Mr. Speaker				

VACANCIES: 003

Representative Morgan moved that **House Amendment No. 5** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Morgan:

AYES: 034

Adams	Anders	Arthur	Bangert	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Franks Jr	Gray
Lavender	May	McCann Beatty	McCreery	McGee
Meredith 71	Merideth 80	Morgan	Mosley	Newman
Nichols	Peters	Quade	Razer	Roberts
Stevens 46	Unsicker	Walker 74	Wessels	

NOES: 105

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Bernskoetter	Berry	Black	Bondon
Brattin	Brown 94	Chipman	Christofanelli	Cierpiot
Conway 104	Corlew	Cornejo	Crawford	Cross
Curtman	Davis	DeGroot	Dogan	Dohrman
Eggleston	Ellington	Engler	Evans	Fitzpatrick
Fitzwater 144	Fitzwater 49	Fraker	Francis	Franklin
Frederick	Gannon	Gregory	Grier	Haahr
Haefner	Hannegan	Hansen	Harris	Helms
Henderson	Higdon	Hill	Houghton	Houx

Hurst	Justus	Kelly 141	Kidd	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mathews	McCaherty	McGaugh	Messenger	Miller
Moon	Morris	Muntzel	Neely	Pfautsch
Phillips	Pietzman	Pike	Plocher	Pogue
Redmon	Rehder	Reiboldt	Reisch	Remole
Rhoads	Roden	Roeber	Rone	Ross
Rowland 155	Ruth	Shaul 113	Shull 16	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Wood	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 021

Bahr	Baringer	Beard	Brown 57	Cookson
Ellebracht	Green	Johnson	Kelley 127	Kendrick
Kolkmeier	Korman	Matthiesen	McDaniel	Mitten
Pierson Jr	Rowland 29	Runions	Schroer	Shumake
Smith 85				

VACANCIES: 003

Speaker Richardson resumed the Chair.

Representative Butler offered **House Amendment No. 6**.

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 14, Section 188.125, Line 2, by inserting after the word "**agency**" the words "**and an abortion facility**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Butler moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote, the ayes and noes having been demanded by Representative Butler:

AYES: 037

Adams	Anders	Arthur	Bangert	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Ellebracht	Ellington
Franks Jr	Gray	Kendrick	Lavender	May
McCann Beatty	McCreery	McGee	Meredith 71	Merideth 80
Morgan	Mosley	Newman	Nichols	Peters
Quade	Razer	Roberts	Stevens 46	Unsicker
Walker 74	Wessels			

NOES: 096

Alferman	Anderson	Andrews	Austin	Barnes 60
Basye	Beard	Bernskoetter	Berry	Bondon

Brattin	Brown 94	Christofanelli	Conway 104	Corlew
Cornejo	Crawford	Cross	Curtman	Davis
DeGroot	Dogan	Dohrman	Eggleston	Engler
Evans	Fitzpatrick	Fitzwater 144	Fitzwater 49	Francis
Franklin	Frederick	Gannon	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Helms
Henderson	Higdon	Hill	Houx	Hurst
Justus	Kelly 141	Kidd	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mathews
McCaherty	Messenger	Miller	Moon	Morris
Muntzel	Neely	Pfautsch	Phillips	Pietzman
Pike	Plocher	Pogue	Redmon	Reiboldt
Reisch	Remole	Rhoads	Roeber	Rone
Ross	Rowland 155	Ruth	Shaul 113	Shull 16
Smith 163	Sommer	Spencer	Stacy	Stephens 128
Swan	Tate	Taylor	Trent	Vescovo
Walker 3	White	Wiemann	Wilson	Wood
Mr. Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 027

Bahr	Baringer	Black	Brown 57	Chipman
Cierpiot	Cookson	Fraker	Green	Harris
Houghton	Johnson	Kelley 127	Kolkmeier	Korman
Matthiesen	McDaniel	McGaugh	Mitten	Pierson Jr
Rehder	Roden	Rowland 29	Runions	Schroer
Shumake	Smith 85			

VACANCIES: 003

Representative Ellebracht offered **House Amendment No. 7**.

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 14, Section 188.075, Line 20, by inserting after the word "**abortion.**" the following:

**"If the attorney general has the authority to consult with or hire outside counsel and does consult with or hire outside counsel for any action under this subsection, the attorney general shall submit a report to the general assembly with the names of the law firms consulted with or hired and the costs associated with such consultation or hiring. The attorney general shall also make such report available and accessible to the public.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Ellebracht moved that **House Amendment No. 7** be adopted.

Which motion was defeated.

Representative Stevens (46) offered **House Amendment No. 8**.

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 33, Section 197.295, Line 17, by inserting immediately after said section and line the following:

"208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX, Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section 301, et seq.) as amended, the following needy persons shall be eligible to receive MO HealthNet benefits to the extent and in the manner hereinafter provided:

- (1) All participants receiving state supplemental payments for the aged, blind and disabled;
- (2) All participants receiving aid to families with dependent children benefits, including all persons under nineteen years of age who would be classified as dependent children except for the requirements of subdivision (1) of subsection 1 of section 208.040. Participants eligible under this subdivision who are participating in drug court, as defined in section 478.001, shall have their eligibility automatically extended sixty days from the time their dependent child is removed from the custody of the participant, subject to approval of the Centers for Medicare and Medicaid Services;
- (3) All participants receiving blind pension benefits;
- (4) All persons who would be determined to be eligible for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits under the eligibility standards in effect December 31, 1973, or less restrictive standards as established by rule of the family support division, who are sixty-five years of age or over and are patients in state institutions for mental diseases or tuberculosis;
- (5) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children except for the requirements of subdivision (2) of subsection 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. 1396d, as amended;
- (6) All persons under the age of twenty-one years who would be eligible for aid to families with dependent children benefits except for the requirement of deprivation of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (7) All persons eligible to receive nursing care benefits;
- (8) All participants receiving family foster home or nonprofit private child-care institution care, subsidized adoption benefits and parental school care wherein state funds are used as partial or full payment for such care;
- (9) All persons who were participants receiving old age assistance benefits, aid to the permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who continue to meet the eligibility requirements, except income, for these assistance categories, but who are no longer receiving such benefits because of the implementation of Title XVI of the federal Social Security Act, as amended;
- (10) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child in the home;
- (11) Pregnant women who meet the requirements for aid to families with dependent children, except for the existence of a dependent child who is deprived of parental support as provided for in subdivision (2) of subsection 1 of section 208.040;
- (12) Pregnant women or infants under one year of age, or both, whose family income does not exceed an income eligibility standard equal to one hundred eighty-five percent of the federal poverty level as established and amended by the federal Department of Health and Human Services, or its successor agency;
- (13) Children who have attained one year of age but have not attained six years of age who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget Reconciliation Act of 1989). The family support division shall use an income eligibility standard equal to one hundred thirty-three percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency;
- (14) Children who have attained six years of age but have not attained nineteen years of age. For children who have attained six years of age but have not attained nineteen years of age, the family support division shall use an income assessment methodology which provides for eligibility when family income is equal to or less than equal to one hundred percent of the federal poverty level established by the Department of Health and Human Services, or its successor agency. As necessary to provide MO HealthNet coverage under this subdivision, the department of social services may revise the state MO HealthNet plan to extend coverage under 42 U.S.C. 1396a (a)(10)(A)(i)(III) to children who have attained six years of age but have not attained nineteen years of age as permitted by paragraph (2) of subsection (n) of 42 U.S.C. 1396d using a more liberal income assessment methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. 1396a;



(15) The family support division shall not establish a resource eligibility standard in assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The MO HealthNet division shall define the amount and scope of benefits which are available to individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in accordance with the requirements of federal law and regulations promulgated thereunder;

(16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal care shall be made available to pregnant women during a period of presumptive eligibility pursuant to 42 U.S.C. Section 1396r-1, as amended;

(17) A child born to a woman eligible for and receiving MO HealthNet benefits under this section on the date of the child's birth shall be deemed to have applied for MO HealthNet benefits and to have been found eligible for such assistance under such plan on the date of such birth and to remain eligible for such assistance for a period of time determined in accordance with applicable federal and state law and regulations so long as the child is a member of the woman's household and either the woman remains eligible for such assistance or for children born on or after January 1, 1991, the woman would remain eligible for such assistance if she were still pregnant. Upon notification of such child's birth, the family support division shall assign a MO HealthNet eligibility identification number to the child so that claims may be submitted and paid under such child's identification number;

(18) Pregnant women and children eligible for MO HealthNet benefits pursuant to subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO HealthNet benefits be required to apply for aid to families with dependent children. The family support division shall utilize an application for eligibility for such persons which eliminates information requirements other than those necessary to apply for MO HealthNet benefits. The division shall provide such application forms to applicants whose preliminary income information indicates that they are ineligible for aid to families with dependent children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this subsection shall be informed of the aid to families with dependent children program and that they are entitled to apply for such benefits. Any forms utilized by the family support division for assessing eligibility under this chapter shall be as simple as practicable;

(19) Subject to appropriations necessary to recruit and train such staff, the family support division shall provide one or more full-time, permanent eligibility specialists to process applications for MO HealthNet benefits at the site of a health care provider, if the health care provider requests the placement of such eligibility specialists and reimburses the division for the expenses including but not limited to salaries, benefits, travel, training, telephone, supplies, and equipment of such eligibility specialists. The division may provide a health care provider with a part-time or temporary eligibility specialist at the site of a health care provider if the health care provider requests the placement of such an eligibility specialist and reimburses the division for the expenses, including but not limited to the salary, benefits, travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The division may seek to employ such eligibility specialists who are otherwise qualified for such positions and who are current or former welfare participants. The division may consider training such current or former welfare participants as eligibility specialists for this program;

(20) Pregnant women who are eligible for, have applied for and have received MO HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits provided under section 208.152 until the end of the ~~sixty-day~~ **two-year** period beginning on the last day of their pregnancy;

(21) Case management services for pregnant women and young children at risk shall be a covered service. To the greatest extent possible, and in compliance with federal law and regulations, the department of health and senior services shall provide case management services to pregnant women by contract or agreement with the department of social services through local health departments organized under the provisions of chapter 192 or chapter 205 or a city health department operated under a city charter or a combined city-county health department or other department of health and senior services designees. To the greatest extent possible the department of social services and the department of health and senior services shall mutually coordinate all services for pregnant women and children with the crippled children's program, the prevention of intellectual disability and developmental disability program and the prenatal care program administered by the department of health and senior services. The department of social services shall by regulation establish the methodology for reimbursement for case management services provided by the department of health and senior services. For purposes of this section, the term "case management" shall mean those activities of local public health personnel to identify prospective MO HealthNet-eligible high-risk mothers and enroll them in the state's MO HealthNet program, refer them to local physicians or local health departments who provide prenatal care under physician protocol and who participate in the MO

HealthNet program for prenatal care and to ensure that said high-risk mothers receive support from all private and public programs for which they are eligible and shall not include involvement in any MO HealthNet prepaid, case-managed programs;

(22) By January 1, 1988, the department of social services and the department of health and senior services shall study all significant aspects of presumptive eligibility for pregnant women and submit a joint report on the subject, including projected costs and the time needed for implementation, to the general assembly. The department of social services, at the direction of the general assembly, may implement presumptive eligibility by regulation promulgated pursuant to chapter 207;

(23) All participants who would be eligible for aid to families with dependent children benefits except for the requirements of paragraph (d) of subdivision (1) of section 208.150;

(24) (a) All persons who would be determined to be eligible for old age assistance benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriation;

(b) All persons who would be determined to be eligible for aid to the blind benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent of the federal poverty level;

(c) All persons who would be determined to be eligible for permanent and total disability benefits under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C. 1396a(f); or less restrictive methodologies as contained in the MO HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the income limit if authorized by annual appropriations. Eligibility standards for permanent and total disability benefits shall not be limited by age;

(25) Persons who have been diagnosed with breast or cervical cancer and who are eligible for coverage pursuant to 42 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be eligible during a period of presumptive eligibility in accordance with 42 U.S.C. 1396r-1;

(26) Effective August 28, 2013, persons who are in foster care under the responsibility of the state of Missouri on the date such persons attain the age of eighteen years, or at any time during the thirty-day period preceding their eighteenth birthday, without regard to income or assets, if such persons:

- (a) Are under twenty-six years of age;
- (b) Are not eligible for coverage under another mandatory coverage group; and
- (c) Were covered by Medicaid while they were in foster care.

2. Rules and regulations to implement this section shall be promulgated in accordance with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

3. After December 31, 1973, and before April 1, 1990, any family eligible for assistance pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the last six months immediately preceding the month in which such family became ineligible for such assistance because of increased income from employment shall, while a member of such family is employed, remain eligible for MO HealthNet benefits for four calendar months following the month in which such family would otherwise be determined to be ineligible for such assistance because of income and resource limitation. After April 1, 1990, any family receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in at least three of the six months immediately preceding the month in which such family becomes ineligible for such aid, because of hours of employment or income from employment of the caretaker relative, shall remain eligible for MO HealthNet benefits for six calendar months following the month of such ineligibility as long as such family includes a child as provided in 42 U.S.C. 1396r-6. Each family which has received such medical assistance during the entire six-month period described in this section and which meets reporting requirements and income tests established by the division and continues to include a child as provided in 42 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee for an additional six months. The MO HealthNet division may provide by rule and as authorized by annual appropriation the scope of MO HealthNet coverage to be granted to such families.

4. When any individual has been determined to be eligible for MO HealthNet benefits, such medical assistance will be made available to him or her for care and services furnished in or after the third month before the month in which he made application for such assistance if such individual was, or upon application would have been, eligible for such assistance at the time such care and services were furnished; provided, further, that such medical expenses remain unpaid.

5. The department of social services may apply to the federal Department of Health and Human Services for a MO HealthNet waiver amendment to the Section 1115 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed one million dollars in additional costs to the state, unless subject to appropriation or directed by statute, but in no event shall such waiver applications or amendments seek to waive the services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C. 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as provided in 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver application is approved by the oversight committee created in section 208.955. A request for such a waiver so submitted shall only become effective by executive order not sooner than ninety days after the final adjournment of the session of the general assembly to which it is submitted, unless it is disapproved within sixty days of its submission to a regular session by a senate or house resolution adopted by a majority vote of the respective elected members thereof, unless the request for such a waiver is made subject to appropriation or directed by statute.

6. Notwithstanding any other provision of law to the contrary, in any given fiscal year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of subsection 1 of this section shall only be eligible if annual appropriations are made for such eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section 1396a(a)(10)(A)(i).

208.662. 1. There is hereby established within the department of social services the "Show-Me Healthy Babies Program" as a separate children's health insurance program (CHIP) for any low-income unborn child. The program shall be established under the authority of Title XXI of the federal Social Security Act, the State Children's Health Insurance Program, as amended, and 42 CFR 457.1.

2. For an unborn child to be enrolled in the show-me healthy babies program, his or her mother shall not be eligible for coverage under Title XIX of the federal Social Security Act, the Medicaid program, as it is administered by the state, and shall not have access to affordable employer-subsidized health care insurance or other affordable health care coverage that includes coverage for the unborn child. In addition, the unborn child shall be in a family with income eligibility of no more than three hundred percent of the federal poverty level, or the equivalent modified adjusted gross income, unless the income eligibility is set lower by the general assembly through appropriations. In calculating family size as it relates to income eligibility, the family shall include, in addition to other family members, the unborn child, or in the case of a mother with a multiple pregnancy, all unborn children.

3. Coverage for an unborn child enrolled in the show-me healthy babies program shall include all prenatal care and pregnancy-related services that benefit the health of the unborn child and that promote healthy labor, delivery, and birth. Coverage need not include services that are solely for the benefit of the pregnant mother, that are unrelated to maintaining or promoting a healthy pregnancy, and that provide no benefit to the unborn child. However, the department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397II.

4. There shall be no waiting period before an unborn child may be enrolled in the show-me healthy babies program. In accordance with the definition of child in 42 CFR 457.10, coverage shall include the period from conception to birth. The department shall develop a presumptive eligibility procedure for enrolling an unborn child. There shall be verification of the pregnancy.

5. Coverage for the child shall continue for up to one year after birth, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations.

6. Pregnancy-related and postpartum coverage for the mother shall begin on the day the pregnancy ends and extend through the last day of the month that includes ~~the sixtieth day~~ **two years** after the pregnancy ends, unless otherwise prohibited by law or unless otherwise limited by the general assembly through appropriations. The department may include pregnancy-related assistance as defined in 42 U.S.C. Section 1397II.

7. The department shall provide coverage for an unborn child enrolled in the show-me healthy babies program in the same manner in which the department provides coverage for the children's health insurance program (CHIP) in the county of the primary residence of the mother.

8. The department shall provide information about the show-me healthy babies program to maternity homes as defined in section 135.600, pregnancy resource centers as defined in section 135.630, and other similar

agencies and programs in the state that assist unborn children and their mothers. The department shall consider allowing such agencies and programs to assist in the enrollment of unborn children in the program, and in making determinations about presumptive eligibility and verification of the pregnancy.

9. Within sixty days after August 28, 2014, the department shall submit a state plan amendment or seek any necessary waivers from the federal Department of Health and Human Services requesting approval for the show-me healthy babies program.

10. At least annually, the department shall prepare and submit a report to the governor, the speaker of the house of representatives, and the president pro tempore of the senate analyzing and projecting the cost savings and benefits, if any, to the state, counties, local communities, school districts, law enforcement agencies, correctional centers, health care providers, employers, other public and private entities, and persons by enrolling unborn children in the show-me healthy babies program. The analysis and projection of cost savings and benefits, if any, may include but need not be limited to:

(1) The higher federal matching rate for having an unborn child enrolled in the show-me healthy babies program versus the lower federal matching rate for a pregnant woman being enrolled in MO HealthNet or other federal programs;

(2) The efficacy in providing services to unborn children through managed care organizations, group or individual health insurance providers or premium assistance, or through other nontraditional arrangements of providing health care;

(3) The change in the proportion of unborn children who receive care in the first trimester of pregnancy due to a lack of waiting periods, by allowing presumptive eligibility, or by removal of other barriers, and any resulting or projected decrease in health problems and other problems for unborn children and women throughout pregnancy; at labor, delivery, and birth; and during infancy and childhood;

(4) The change in healthy behaviors by pregnant women, such as the cessation of the use of tobacco, alcohol, illicit drugs, or other harmful practices, and any resulting or projected short-term and long-term decrease in birth defects; poor motor skills; vision, speech, and hearing problems; breathing and respiratory problems; feeding and digestive problems; and other physical, mental, educational, and behavioral problems; and

(5) The change in infant and maternal mortality, preterm births and low birth weight babies and any resulting or projected decrease in short-term and long-term medical and other interventions.

11. The show-me healthy babies program shall not be deemed an entitlement program, but instead shall be subject to a federal allotment or other federal appropriations and matching state appropriations.

12. Nothing in this section shall be construed as obligating the state to continue the show-me healthy babies program if the allotment or payments from the federal government end or are not sufficient for the program to operate, or if the general assembly does not appropriate funds for the program.

13. Nothing in this section shall be construed as expanding MO HealthNet or fulfilling a mandate imposed by the federal government on the state."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Corlew raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Quade offered **House Amendment No. 9**.

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 15, Section 188.125, Line 14, by inserting immediately after said line the following:

**"3. No county of the third classification without a township form of government and with more than eighteen thousand but fewer than twenty thousand inhabitants and with a city of the fourth classification with more than five hundred fifty but fewer than six hundred fifty inhabitants as the county seat or county of the third classification without a township form of government and with more than thirty-three thousand but**

fewer than thirty-seven thousand inhabitants and with a city of the fourth classification with more than six thousand but fewer than seven thousand inhabitants as the county seat shall enact, adopt, maintain, or enforce any county health ordinance that is more stringent or restrictive than any relevant statutory requirement in this state."; and

Further amend said bill and section by renumbering subsequent subsections accordingly; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

**House Amendment No. 9** was withdrawn.

Representative Wiemann assumed the Chair.

Speaker Richardson resumed the Chair.

Representative Beck offered **House Amendment No. 10**.

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 1, Section A, Line 8, by inserting after all of said line the following:

**"130.076. 1. Due to the publicity and boosting of political credentials surrounding an extraordinary special session, for the purposes of this chapter, any frivolous extraordinary session shall be considered a contribution in-kind to the governor. A frivolous extraordinary session means any session the governor calls under article IV, section 9 of the Missouri Constitution that is not in response to an actual extraordinary occasion and that addresses nonurgent matters that would be better debated and evaluated during a regular session or, if possible, addressed concurrently with other issues during a previous extraordinary session called by the governor. The general assembly shall determine whether an extraordinary session is frivolous.**

**2. The general assembly shall certify the costs of a frivolous extraordinary session and reports such sum to the Missouri ethics commission.**

**3. The Missouri ethics commission shall notify the governor and the treasurer of the governor's campaign committee of such report.**

**4. The governor or the governor's campaign committee shall electronically report the in-kind contribution within forty-eight hours of receiving notification.**

**5. Reports required under this section shall contain the same content required under section 130.041 and shall be filed in accordance with the standards established by the commission for electronic filing and other rules the commission may deem necessary to promulgate for the effective administration of this section.";** and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Plocher raised a point of order that **House Amendment No. 10** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Franklin offered **House Amendment No. 11**.

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 12, Section 188.047, Line 1, by inserting immediately after the word "tissue" the words ", **except that tissue needed for purposes described in subsection 5 of this section,**"; and

Further amend said bill and section, Pages 12 and 13, Lines 10 to 18, by deleting said lines and inserting in lieu thereof the following:

**"2. The department shall reconcile each notice of abortion with its corresponding tissue report. If the department does not receive the notice of abortion or the tissue report, the department shall make an inquiry of the abortion facility or hospital. After such inquiry, if the hospital or abortion facility has not satisfactorily responded to said inquiry and the department finds that the abortion facility or hospital where the abortion was performed or induced was not in compliance with the provisions of this section, the department shall consider such noncompliance a deficiency requiring an unscheduled inspection of the facility to ensure the deficiency is remedied, subject to the provisions of chapter 197 regarding license suspensions, reviews, and appeals."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative McCann Beatty raised a point of order that **House Amendment No. 11** amends previously amended material.

The Chair ruled the point of order well taken.

Representative Adams offered **House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 15, Section 188.125, Lines 43-44, by deleting the words "**not be deemed exclusive and shall be in addition to any other relief or remedies permitted by law**" and inserting in lieu thereof the words "**be deemed exclusive and shall preclude any other relief or remedies permitted by law**"; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Adams moved that **House Amendment No. 12** be adopted.

Which motion was defeated.

Representative Walker (74) offered **House Amendment No. 13.**

*House Amendment No. 13*

AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 5, Page 33, Section 595.027, Line 8, by inserting after all of said section and line the following:

**"Section 1. An alternative to abortion agency as defined in section 188.125 shall file a quarterly report regarding the services it has provided with the state department of health and senior services. The report shall include the estimated fetal gestational ages when the mother first seeks the services of the agency, demographic data of those seeking services, and any other information as required by the department."**; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Representative Taylor assumed the Chair.

Speaker Richardson resumed the Chair.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 101

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Bondon	Brattin	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Corlew	Cornejo	Crawford
Cross	Curtman	Davis	DeGroot	Dogan
Dohrman	Eggleston	Engler	Evans	Fitzpatrick
Fitzwater 49	Fraker	Francis	Franklin	Frederick
Gannon	Gregory	Grier	Haahr	Haefner
Hannegan	Hansen	Helms	Henderson	Higdon
Hill	Houx	Hurst	Justus	Kelley 127
Kelly 141	Kidd	Kolkmeier	Korman	Lant
Lauer	Lichtenegger	Love	Lynch	Marshall
Mathews	McCaherty	McDaniel	McGaugh	Messenger
Miller	Moon	Morris	Pfautsch	Phillips
Pietzman	Pike	Pogue	Redmon	Rehder
Reiboldt	Remole	Rhoads	Roden	Roeber
Rone	Ross	Rowland 155	Ruth	Shaul 113
Shull 16	Smith 163	Sommer	Spencer	Stacy
Stephens 128	Swan	Tate	Taylor	Trent
Vescovo	Walker 3	White	Wiemann	Wood
Mr. Speaker				

NOES: 038

Adams	Anders	Arthur	Bangert	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Ellebracht	Ellington
Franks Jr	Gray	Harris	Kendrick	Lavender
May	McCann Beatty	McCreery	McGee	Meredith 71
Merideth 80	Morgan	Mosley	Newman	Peters
Pierson Jr	Quade	Razer	Roberts	Stevens 46
Unsicker	Walker 74	Wessels		

PRESENT: 000

ABSENT WITH LEAVE: 021

Baringer	Black	Brown 57	Cookson	Fitzwater 144
Green	Houghton	Johnson	Matthiesen	Mitten
Muntzel	Neely	Nichols	Plocher	Reisch
Rowland 29	Runions	Schroer	Shumake	Smith 85
Wilson				

VACANCIES: 003

Representative Walker (74) moved that **House Amendment No. 13** be adopted.

Which motion was defeated.

Representative Cierpiot moved the previous question.

Which motion was adopted by the following vote:

AYES: 105

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Bondon	Brattin	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Helms
Henderson	Higdon	Hill	Houghton	Houx
Hurst	Justus	Kelley 127	Kelly 141	Kidd
Kolkmeier	Korman	Lant	Lauer	Lichtenegger
Love	Mathews	McCaherty	McDaniel	McGaugh
Messenger	Miller	Moon	Morris	Neely
Pfautsch	Phillips	Pietzman	Pike	Plocher
Pogue	Redmon	Rehder	Reiboldt	Reisch
Remole	Rhoads	Roden	Roeber	Rone
Ross	Rowland 155	Ruth	Shaul 113	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 038

Adams	Anders	Arthur	Bangert	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Ellebracht	Ellington
Franks Jr	Gray	Harris	Kendrick	Lavender
May	McCann Beatty	McCreery	McGee	Meredith 71
Merideth 80	Morgan	Mosley	Newman	Peters
Quade	Razer	Roberts	Runions	Stevens 46
Unsicker	Walker 74	Wessels		

PRESENT: 000

ABSENT WITH LEAVE: 017

Baringer	Black	Brown 57	Green	Johnson
Lynch	Marshall	Matthiesen	Mitten	Muntzel
Nichols	Pierson Jr	Rowland 29	Schroer	Shull 16
Shumake	Smith 85			

VACANCIES: 003



On motion of Representative Franklin, the title of **HCS SS SB 5, as amended**, was agreed to.

On motion of Representative Franklin, **HCS SS SB 5, as amended**, was adopted.

On motion of Representative Franklin, **HCS SS SB 5, as amended**, was read the third time and passed by the following vote:

AYES: 110

Alferman	Anderson	Andrews	Austin	Bahr
Barnes 60	Basye	Beard	Bernskoetter	Berry
Bondon	Brattin	Brown 94	Chipman	Christofanelli
Cierpiot	Conway 104	Cookson	Corlew	Cornejo
Crawford	Cross	Curtman	Davis	DeGroot
Dogan	Dohrman	Eggleston	Engler	Evans
Fitzpatrick	Fitzwater 144	Fitzwater 49	Fraker	Francis
Franklin	Frederick	Gannon	Gregory	Grier
Haahr	Haefner	Hannegan	Hansen	Harris
Helms	Henderson	Higdon	Hill	Houghton
Houx	Hurst	Justus	Kelley 127	Kelly 141
Kidd	Kolkmeier	Korman	Lant	Lauer
Lichtenegger	Love	Lynch	Marshall	Mathews
McCaherty	McDaniel	McGaugh	Messenger	Miller
Morris	Muntzel	Neely	Pfausch	Phillips
Pietzman	Pike	Plocher	Pogue	Redmon
Rehder	Reiboldt	Reisch	Remole	Rhoads
Roden	Roeber	Rone	Ross	Rowland 155
Runions	Ruth	Shaul 113	Shull 16	Smith 163
Sommer	Spencer	Stacy	Stephens 128	Swan
Tate	Taylor	Trent	Vescovo	Walker 3
White	Wiemann	Wilson	Wood	Mr. Speaker

NOES: 038

Adams	Anders	Arthur	Bangert	Barnes 28
Beck	Brown 27	Burnett	Burns	Butler
Carpenter	Conway 10	Curtis	Ellebracht	Ellington
Franks Jr	Gray	Kendrick	Lavender	May
McCann Beatty	McCreery	McGee	Meredith 71	Merideth 80
Moon	Morgan	Mosley	Newman	Peters
Pierson Jr	Quade	Razer	Roberts	Stevens 46
Unsicker	Walker 74	Wessels		

PRESENT: 000

ABSENT WITH LEAVE: 012

Baringer	Black	Brown 57	Green	Johnson
Matthiesen	Mitten	Nichols	Rowland 29	Schroer
Shumake	Smith 85			

VACANCIES: 003

Speaker Richardson declared the bill passed.

### **ADJOURNMENT**

On motion of Representative Cierpiot, the House adjourned until 10:00 a.m., Friday, June 30, 2017.

### **HOUSE CALENDAR**

SIXTH DAY, FRIDAY, JUNE 30, 2017

### **HOUSE BILLS FOR SECOND READING**

HB 15 through HB 17

### **HOUSE BILLS FOR PERFECTION**

HB 7 - Franklin

HB 9 - Kelly (141)