

HB 6 -- ABORTION

SPONSOR: Barnes (60)

This bill changes provisions relating to abortion.

SAFE AND RELIABLE CARE

The bill allows the Department of Health and Senior Services to adopt rules governing complication plans to ensure patients undergoing abortions induced by drugs or chemicals have access to safe and reliable care (Section 188.021, RSMo).

DEFINITIONS

This bill defines a "qualified professional" as the physician who referred the woman to the physician who is to perform the abortion or to the advanced practice registered nurse in a collaborative practice arrangement with the physician performing the abortion (Sections 188.027 and 188.039).

This bill defines an "abortion facility" as any establishment operated for the purpose of performing or inducing any second- or third-trimester abortions or five or more first-trimester abortions and which does not provide accommodations for patients to stay more than 23 hours within the establishment (Section 197.200).

ABORTION FACILITIES

The bill amends these sections to include abortion facilities (Sections 188.030, 192.665, 192.667, 197.150, 197.152, 197.158, 197.160, 197.162, 197.165, 197.205, 197.215, 197.220, 197.235, 197.240, 197.285, 197.287, 197.289, 197.293, 197.295, and 595.027).

ATTORNEY GENERAL JURISDICTION

The Attorney General shall have concurrent original jurisdiction throughout the state for actions for a violation of any: provision of Chapter 188 (Regulation of Abortions); state law regarding the use of public funds for an abortion; or state law which regulates an abortion facility or a person who performs an abortion (Section 188.075).

LICENSED PHYSICIANS

In order to receive a license from the department, the bill requires an abortion facility to provide affirmative evidence that each person authorized to perform abortions is a physician currently licensed to practice in Missouri (Section 197.215).

RULES FOR AMBULATORY SURGICAL CENTERS AND ABORTION FACILITIES

The bill allows the department to adopt separate rules to apply to ambulatory surgical centers and to apply to abortion facilities. Any rule that applies to an abortion facility shall, at minimum, be equal to any physical requirement of an ambulatory surgical center (Section 197.225).

ABORTION FACILITY INSPECTIONS

The department shall make an unannounced on-site inspection of any abortion facility at least annually. The inspection shall include: compliance with statutory and regulatory requirements, including requirements that the facility maintain adequate staffing and equipment to respond to medical emergencies; compliance that all organs or tissue removed at the time of the abortion be submitted to a board certified pathologist; review of patient records to ensure that no documentation authorizes improper utilization or organs or tissue; compliance with prohibition on the use of public funds to perform or assist a prohibited abortion or to encourage a woman to have a prohibited abortion (Section 197.230).

INTERFERENCE WITH MEDICAL ASSISTANCE

A person commits the offense of interference with medical assistance if he or she, while working as an employee of an abortion facility: knowingly orders or requests medical personnel to deviate from any applicable standard of care or ordinary practice while providing medical assistance to a patient for reasons unrelated to the patient's health or welfare; or knowingly attempts to prevent medical personnel from providing medical assistance to a patient in accordance with all applicable standards of care or ordinary practice for reasons unrelated to the patient's health or welfare. This offense is a class A misdemeanor (Section 574.200).

This bill contains an emergency clause.

This bill is similar to HB 3 (2017, Second Extraordinary Session).