

SS SCS SB 793 -- ABORTION

SPONSOR: Mayer (Pratt)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 8 to 4.

This substitute specifies that except in the case of a medical emergency, abortions cannot be performed or induced without the voluntary, informed, and uncoerced consent of the woman at least 24 hours prior to the abortion. The physician performing or inducing the abortion must provide orally and in writing:

- (1) The physician's name;
- (2) Medically accurate information including a description of the proposed abortion method, the medical risks, alternatives to the abortion, and follow-up care information;
- (3) The gestational age of the unborn child; and
- (4) The anatomical and physiological characteristics of the unborn child.

The physician performing or inducing the abortion or a qualified professional must:

- (1) Provide the pregnant woman with printed materials from the Department of Health and Senior Services that describe the anatomical and physiological characteristics of the unborn child's brain and heart functions, extremities, and internal organs; various methods of abortion and the risks associated with each method; the possibility of causing pain to the unborn child; alternatives to abortion; and that the father of an unborn child is liable to provide child support, even if he has offered to pay for an abortion. The materials must be available from the department by November 30, 2010, and must be legible, objective, unbiased, and scientifically accurate. All information provided to the pregnant woman must be given to her in a private room to ensure privacy, confidentiality, and no fear of coercion. If needed, an interpreter will be provided. All information must be provided at least 24 hours before payment for an abortion can be accepted;
- (2) Provide the woman at least 24 hours prior to the abortion with a geographically indexed list maintained by the department of health care providers, facilities, and clinics where she would have an opportunity to view an ultrasound and hear the heartbeat of the unborn child. The list is to indicate those that provide the services free of charge;

(3) Explain that she is free to withhold or withdraw her consent to the abortion at any time without fear of losing treatment and assistance benefits; and

(4) Prominently display statements encouraging a pregnant woman seeking an abortion to contact agencies that help women carry an unborn child to full term.

The woman must certify in writing on a checklist form provided by the department that she has received all of the required materials; had an opportunity to view an active ultrasound image of the unborn child and hear the heartbeat; and given her voluntary and informed consent, freely and without coercion, to the abortion procedure. No abortion will be performed or induced on an unborn child of 22 weeks gestational age or older unless the mother is given the opportunity to have a pain alleviating drug administered to the child. The physician must retain a copy of the form in the patient's medical record.

In the event of a medical emergency that results in an abortion, the physician must certify in writing the nature and circumstances of the emergency; and the certification must be kept in the abortion-performing facility's permanent file for seven years.

The department must maintain a toll-free, confidential, 24-hour hotline telephone number for callers to obtain regional information about abortions, risks, and alternatives to an abortion and make the information available on the department's web site.

Only licensed physicians can perform or induce an abortion. Anyone violating this provision will be guilty of a class B felony.

Health insurance exchanges established or operating in Missouri or any exchange administered by the federal government or its agencies are prohibited from offering health insurance contracts, plans, policies, or optional riders that provide coverage for elective abortions.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Could exceed \$747,324 in FY 2011, Could exceed \$889,376 in FY 2012, and Could exceed \$913,057 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.

PROPOSERS: Supporters say that the bill allows women to make better informed decisions regarding an abortion by providing them with all relevant medical and legal information. Many women regret the decision to have an abortion. The current Supreme

Court doctrine allows for truthful information to be presented to women on behalf of the state. The provisions in the bill do not create an undue burden for a woman and are likely to be upheld in court. The bill does not mandate that a woman view an ultrasound or hear the heartbeat but gives her the opportunity to receive the information if she chooses.

Testifying for the bill were Senator Mayer; Missouri Right to Life; Missouri Catholic Conference; Missouri Family Network; Missouri Family Policy Council; Campaign Life Missouri; Missouri Eagle Forum; Kathleen Forck, Forty Days for Life; and various citizens.

OPPONENTS: Those who oppose the bill say that it requires doctors to present biased information on behalf of the state. Promising women that alternatives to abortion and child care will be fully funded is wrong given the current lack of funds for these purposes. Many of the risks of abortion presented in the bill are not statistically significant.

Testifying against the bill were Planned Parenthood Affiliates in Missouri; and NARAL Pro-Choice Missouri.