

HOUSE BILL NO. 1274

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOENIG (Sponsor), WIELAND, BRATTIN, KORMAN, COOKSON, FITZWATER, CAUTHORN, ROWLAND, DAVIS, RICHARDSON, LONG, ALLEN, BROWN (116), CURTMAN, FUHR, SCHOELLER, DUGGER, SMITH (150), HOUGHTON, LEACH, RIDDLE, McCAHERTY, DIEHL, WHITE, SCHNEIDER, KEENEY, BAHR, LASATER, JONES (89), POLLOCK, LICHTENEGGER, SCHARNHORST, SHUMAKE, FUNDERBURK, BROWN (85), REIBOLDT, KELLEY (126), BURLISON, LANT, GUERNSEY, CONWAY (14), PHILLIPS AND FISHER (Co-sponsors).

5063L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to the abortion-inducing drugs safety act, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.033, to read as follows:

188.033. 1. This section shall be known and may be cited as the "Abortion-inducing Drugs Safety Act".

2. No person who is not a physician shall knowingly prescribe or administer RU-486 (mifepristone) or any other drug for the purpose of inducing an abortion.

3. RU-486 (mifepristone) or any other drug prescribed for the purpose of inducing an abortion shall only be prescribed by a physician who at least twenty-four hours prior to the administration of the drug:

(1) Complies with all other legal requirements prior to an abortion being performed or induced;

(2) Physically examines the patient;

(3) Documents in the patient's medical record the gestational age and whether there is an ectopic pregnancy; and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **(4) Provides the patient with a copy of the United States Food and Drug**
14 **Administration (FDA) approved label or labels for the drug or drugs that will be used to**
15 **induce the abortion, regardless of whether the drug or drugs have been approved by the**
16 **FDA or the drug manufacturer to induce an abortion.**

17 **4. RU-486 (mifepristone) or any other drug administered for the purpose of**
18 **inducing an abortion, including any drug administered during a subsequent visit to**
19 **complete the abortion shall only be administered in a hospital or in an abortion facility.**
20 **The abortion facility shall also be licensed as an ambulatory surgical center under sections**
21 **197.200 to 197.240 if any second- or third-trimester abortions or five or more first-**
22 **trimester abortions per month are performed or induced at the facility.**

23 **5. RU-486 (mifepristone) or any other drug administered for the purpose of**
24 **inducing an abortion, including any drug administered during a subsequent visit to**
25 **complete the abortion, shall only be administered by:**

26 **(1) The physician who prescribed the drug or another physician acting under the**
27 **prescribing physician's authority, and who is in the physical presence of the patient; or**

28 **(2) The patient to administer to herself, at the direction of and while in the physical**
29 **presence of the physician.**

30 **6. Due to a significant number of drug-induced abortions later requiring surgical**
31 **intervention and consistent with the provisions of section 188.080, no physician shall**
32 **prescribe or administer RU-486 (mifepristone) or any other drug administered for the**
33 **purpose of inducing an abortion unless the physician:**

34 **(1) Has clinical privileges at a hospital which offers obstetrical or gynecological**
35 **care located within thirty miles of the location at which the abortion is induced; and**

36 **(2) Has privileges at the hospital or at the abortion facility where the drug or drugs**
37 **were administered to perform surgical intervention, including but not limited to surgical**
38 **abortion.**

39 **7. If a patient who was administered RU-486 (mifepristone) or any other drug**
40 **administered for the purpose of inducing an abortion decides to carry her unborn child to**
41 **term before the abortion is completed, the patient shall be immediately referred to another**
42 **physician who did not prescribe or administer the drug or drugs so the patient can receive**
43 **medical assistance for herself and her unborn child.**

44 **8. Malformations or other birth defects can occur in a child who survives an**
45 **attempted abortion and is born alive after the administration of RU-486 (mifepristone) or**
46 **other drugs. The state may otherwise be obligated to provide significant medical, mental**
47 **health, rehabilitative, vocational, educational, or other care or assistance for such child**
48 **throughout his or her lifetime if the physician who attempted the abortion carried**

49 **inadequate insurance. Therefore, any physician who prescribes or administers RU-486**
50 **(mifepristone) or any other drug for the purpose of inducing an abortion shall, in addition**
51 **to complying with the medical malpractice requirements of section 188.043, obtain and**
52 **maintain in force a tail or occurrence-based insurance policy of at least one million dollars**
53 **per occurrence and three million dollars in the aggregate per year for personal injury to**
54 **or death of a child born alive after an attempted abortion. Such policy shall be maintained**
55 **in force or be in effect until such child reaches his or her twenty-first birthday, or later,**
56 **under section 516.105.**

57 **9. (1) Any person who violates the provisions of subsection 2 of this section is guilty**
58 **of a class C felony; except that, any person who prescribes or administers any drug for the**
59 **purpose of inducing an abortion on another person without the other person's knowledge**
60 **or consent is guilty of a class B felony.**

61 **(2) Any person who violates any provision of subsections 3 to 8 of this section is**
62 **guilty of a class A misdemeanor.**

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