

HB 99 -- ABORTION

SPONSOR: Miller

Currently, a person is not permitted to knowingly perform an abortion on a minor unless the attending physician has secured the informed written consent of the minor and one parent or guardian of the minor. This bill requires, except in the case of an emergency, the consenting parent or guardian of the minor to notify any other custodial parent or guardian in writing prior to the securing of the informed written consent of the minor and consenting parent or guardian.

"Custodial parent" means any parent of a minor in a family in which the parents have not separated or dissolved their marriage or any parent of a minor who has been awarded joint legal custody or joint physical custody of the minor by a court of competent jurisdiction.

Notice must not be required for any parent or guardian:

(1) Who has been found guilty in Missouri of any offense against the person, any sexual offenses, prostitution, any offenses against the family, or pornography and related offenses when a child was a victim;

(2) Who has been found guilty in any other state or foreign country, or under federal, tribal, or military jurisdiction of any offense against the person, any sexual offenses, prostitution, any offenses against the family, or pornography and related offenses when a child was a victim which would be a violation if committed in this state;

(3) Who is listed on the Child Abuse or Neglect Central Registry in Missouri or on the Sexual Offender Registry in Missouri;

(4) Against whom an order of protection has been issued, including a foreign order of protection given full faith and credit in this state;

(5) Whose custodial, parental, or guardianship rights have been terminated by a court of competent jurisdiction; or

(6) Whose whereabouts are unknown after reasonable inquiry, who is a fugitive from justice, who is habitually in an intoxicated or drugged condition, or who has been declared mentally incompetent or incapacitated by a court of competent jurisdiction.

The bill specifies that the constitutions and laws of the United States and Missouri must be interpreted, construed, applied, and

enforced to fully protect the rights of an alternatives-to-abortion agency and its officers, agents, employees, and volunteers to freely assemble and to freely engage in religious practices and speech without governmental interference.

"Alternatives-to-abortion agency" means:

- (1) A maternity home as defined in Section 135.600, RSMo;
- (2) A pregnancy resource center as defined in Section 135.630; or
- (3) An agency or entity that has the primary purpose of providing services or counseling to pregnant women to assist them in carrying their unborn children to term instead of having abortions and to assist the women in caring for their dependent children or placing their children for adoption.

A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any measure that adversely affects an alternatives-to-abortion agency or its officers, agents, employees, or volunteers' assembly, religious practices, or speech. These provisions cannot preclude or preempt a political subdivision from exercising its lawful authority to regulate zoning or land use or to enforce a building or fire code regulation if the agency is treated in the same manner as a similarly situated agency and that the authority is not used to circumvent the intent of these provisions.

A court may order injunctive relief, recovery of damages, or both, as well as payment of reasonable attorney fees, costs, and expenses to enforce these provisions.