

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2069, Page 1, Section A, Line 2, by inserting after all of said section and
2 line the following:

3
4 "188.036. 1. No physician shall perform an abortion on a woman if the physician knows
5 that the woman conceived the unborn child for the purpose of providing fetal organs or tissue for
6 medical transplantation to herself or another, and the physician knows that the woman intends to
7 procure the abortion to utilize those organs or tissue for such use for herself or another.

8 2. No person shall utilize the fetal organs or tissue resulting from an abortion for medical
9 transplantation, if the person knows that the abortion was procured for the purpose of utilizing those
10 organs or tissue for such use.

11 3. No person shall offer any inducement, monetary or otherwise, to a woman or a
12 prospective father of an unborn child for the purpose of conceiving an unborn child for the medical,
13 scientific, experimental or therapeutic use of the fetal organs or tissue.

14 4. No person shall offer any inducement, monetary or otherwise, to the mother or father of
15 an unborn child for the purpose of procuring an abortion for the medical, scientific, experimental or
16 therapeutic use of the fetal organs or tissue.

17 5. No person shall knowingly donate or make an anatomical gift of the fetal organs or tissue
18 resulting from an abortion to any person or entity for medical, scientific, experimental, therapeutic,
19 or any other use.

20 6. No person shall knowingly offer or receive any valuable consideration for the fetal organs
21 or tissue resulting from an abortion, provided that nothing in this subsection shall prohibit payment
22 for burial or other final disposition of the fetal remains so long as the final disposition does not
23 include any donation or anatomical gift of fetal organs or tissue, or payment for a pathological
24 examination, autopsy or postmortem examination of the fetal remains.

25 [6.] 7. If any provision in this section or the application thereof to any person, circumstance
26 or period of gestation is held invalid, such invalidity shall not affect the provisions or applications
27 which can be given effect without the invalid provision or application, and to this end the provisions
28 of this section are declared severable.

29 8. Any person who violates the provisions of subsection 3, 4, 5, or 6 of this section shall be
30 guilty of a class C felony and the court may impose a fine in an amount not less than twice the
31 amount of any valuable consideration received.

32 188.047. [A representative sample of] 1. All tissue and remains of a human fetus, as
33 defined in section 194.375, removed at the time of abortion shall be ensured as nonhazardous in
34 compliance with department of natural resources regulations and submitted to a board eligible or
35 certified pathologist, who shall file a copy of the tissue report with the state department of health
36 and senior services, and who shall provide a copy of the report to the abortion facility or hospital in

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1 which the abortion was performed or induced and the pathologist's report shall be made a part of the
2 patient's permanent record.

3 2. Each specimen containing remains of a human fetus shall be given a unique identification
4 number to allow the specimen to be tracked from the abortion facility or hospital where the abortion
5 was performed or induced to the pathology lab and to its final disposition location. The unique
6 identification number shall be conspicuously adhered to the exterior of the specimen container.

7 3. A report shall be created and submitted to the department for each specimen containing
8 remains of a human fetus at each facility that handles the specimen, including the abortion facility
9 or hospital where the abortion was performed or induced, the pathology lab, and the location of
10 final disposition. Each report shall document, if applicable, the date the specimen containing
11 remains of a human fetus was collected, transported, received, and disposed. The report by the
12 location of final disposition shall verify that all fetal tissue was received and has been properly
13 disposed according to state laws and regulations.

14 4. The department shall pair each notice of abortion with its corresponding pathology
15 report. If the department does not receive the notice of abortion and the pathology report, the
16 department shall conduct an investigation. If the department finds that the abortion facility or
17 hospital where the abortion was performed or induced was not in compliance with the provisions of
18 this section, the department shall consider such noncompliance a deficiency requiring an
19 unscheduled inspection of the facility to ensure the deficiency is remedied.

20 5. Beginning January 1, 2017, the department shall make an annual report to the general
21 assembly. The report shall include, but not be limited to, all reports and information received by the
22 department under the provisions of this section, the number of any deficiencies of each abortion
23 facility in the calendar year and whether such deficiencies were remedied, and the following for
24 each abortion procedure reported to the department the previous calendar year:

25 (1) The termination procedure used with a clinical estimation of gestation;

26 (2) Whether the department received the tissue report for that abortion, along with a
27 certification of the disposal of the remains; and

28 (3) The existence and nature, if any, of any inconsistencies or concerns between the abortion
29 report submitted under section 188.052 and the tissue report submitted under subsection 1 of this
30 section.

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32 The report shall not contain any personal patient information the disclosure of which is prohibited
33 by state or federal law.

34 188.080. Any person who is not a physician who performs or induces or attempts to
35 perform or induce an abortion on another is guilty of a class B felony, and, upon conviction, shall be
36 punished as provided by law. Any physician performing or inducing an abortion who does not have
37 [clinical] surgical and admitting privileges at a hospital which offers obstetrical or gynecological
38 care located within thirty miles of the location at which the abortion is performed or induced shall
39 be guilty of a class A misdemeanor, and, upon conviction shall be punished as provided by law.";
40 and

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42 Further amend said bill and page, Section 188.160, Line 1, by inserting immediately after the words
43 "pathology lab," the words "medical research entity,"; and

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45 Further amend said bill, page, and section, Line 4, by inserting immediately after the words
46 "pathology lab," the words "medical research entity,"; and

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48 Further amend said bill, page, and section, Line 11, by inserting immediately after the words

1 "pathology lab," the words "medical research entity,"; and

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3 Further amend said bill, page, and section, Line 14, by inserting immediately after the words
4 "pathology lab," the words "medical research entity,"; and

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6 Further amend said bill and section, Page 2, Line 38, by inserting immediately after the words
7 "pathology lab," the words "medical research entity,"; and

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9 Further amend said bill, page, and section, Line 42, by inserting immediately after the words
10 "pathology lab," the words "medical research entity,"; and

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12 Further amend said bill and section, Page 3, Line 54, by inserting immediately after the words
13 "pathology lab," the words "medical research entity,"; and

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15 Further amend said bill, page, and section, Line 56, by inserting immediately after the word
16 "reviewed" the words ","unless the employee wishes to remain anonymous"; and

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18 Further amend said bill, page, and section, Line 56, by inserting after all of said line the following:

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20 "8. Beginning December 1, 2016, each hospital, ambulatory surgical center, pathology lab,
21 medical research entity, and disposal facility involved in handling fetal remains from an elective
22 abortion shall post a notice at their place of employment, in a sufficient number of places on the
23 premises to assure that such notice will reasonably be seen by all employees. A hospital, ambulatory
24 surgical center, pathology lab, medical research entity, or disposal facility involved in handling fetal
25 remains from an elective abortion for whom services are performed by individuals who may not
26 reasonably be expected to see a posted notice shall notify each such employee in writing of the
27 contents of such notice. The notice shall include all information provided in this section.

28 194.375. 1. Sections 194.375 to 194.390 shall be known and may be cited as the
29 "Disposition of Fetal Remains Act".

30 2. As used in sections 194.375 to 194.390, the following terms mean:

31 (1) "Final disposition", the burial, cremation, or other disposition of the remains of a human
32 fetus following a spontaneous fetal demise occurring after a gestation period of less than twenty
33 completed weeks;

34 (2) "Remains of a human fetus", the [fetal] remains [or fetal products of conception of a
35 mother after a miscarriage, regardless of the gestational age or whether the remains have been
36 obtained by spontaneous or accidental means] of the dead offspring of a human being that has
37 reached a stage of development so that there are cartilaginous structures or fetal or skeletal parts
38 after an abortion or miscarriage, whether the remains have been obtained by induced, spontaneous,
39 or accidental means.

40 197.230. 1. The department of health and senior services shall make, or cause to be made,
41 such inspections and investigations as it deems necessary. The department may delegate its powers
42 and duties to investigate and inspect ambulatory surgical centers to an official of a political
43 subdivision having a population of at least four hundred fifty thousand if such political subdivision
44 is deemed qualified by the department to inspect and investigate ambulatory surgical centers. The
45 official so designated shall submit a written report of his or her findings to the department and the
46 department may accept the recommendations of such official if it determines that the facility
47 inspected meets minimum standards established pursuant to sections 197.200 to 197.240.

48 2. In the case of any ambulatory surgical center operated for the purpose of performing or

1 inducing an abortion, the department shall make or cause to be made an unannounced on-site
2 inspection and investigation at least annually. Such on-site inspection and investigation shall
3 include, but not be limited to, the following areas:

4 (1) Compliance with all statutory and regulatory requirements for an ambulatory surgical
5 center, including requirements that the facility maintain adequate staffing and equipment to respond
6 to medical emergencies;

7 (2) Compliance with the requirement in section 188.047 that all tissue removed at the time
8 of abortion be submitted to a board certified or eligible pathologist and that the resultant tissue
9 report be made a part of the patient's permanent record;

10 (3) Review of patient records to ensure that no consent forms or other documentation
11 authorizes any utilization of fetal organs or tissue in violation of sections 188.036 and 194.275;

12 (4) Compliance with sections 188.205, 188.210, and 188.215 prohibiting the use of public
13 funds, facilities, and employees to perform or to assist a prohibited abortion or to encourage or to
14 counsel a woman to have a prohibited abortion;

15 (5) Compliance with sections 188.080 and 197.215 requiring any physician performing or
16 inducing abortions to have the hospital surgical and admitting privileges prescribed therein; and

17 (6) Compliance with the requirement in section 197.215 that continuous physician services
18 or registered professional nursing services be provided whenever a patient is in the facility.

19 3. Inspection and investigation reports shall be made available to the public. Any portion of
20 a report may be redacted when made publicly available if such portion would disclose information
21 that is not subject to disclosure under the law."; and
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23 Further amend said bill by amending the title, enacting clause, and intersectional references
24 accordingly.
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