

HB 1953 -- ABORTION

SPONSOR: Swan

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 8 to 3.

This bill makes numerous changes to existing statutes relating to abortion, including donation of fetal tissue, pathology tissue reports, physician privileges, ambulatory surgical center licensing procedures, and inspections of abortion facilities.

DONATION OF FETAL TISSUE (Section 188.036, RSMo)

These provisions prohibit a mother, father, or any other person from knowingly donating or making an anatomical gift of the fetal organs and tissue resulting from an abortion to any person or entity for medical, scientific, experimental, therapeutic, or any other use.

TISSUE REPORTS (Section 188.047)

Currently, a representative sample of tissue removed at the time of abortion is sent to a pathologist for examination. These provisions requires that all tissue removed at the time of abortion be sent to the pathologist. Additionally, all tissue reports issued by the pathologist must contain a certification that all submitted tissue has been disposed of in accordance with state law. These provisions require the Department of Health and Senior Services, beginning January 1, 2017, to make an annual report to the General Assembly. The report must include the following for each abortion procedure reported to the department the previous calendar year:

- (1) The termination procedure used and a clinical estimation of gestation;
- (2) Whether the department received the tissue report for that abortion, along with a certification of the disposal of the remains; and
- (3) The existence and nature, if any, of any inconsistencies or concerns between the physician's abortion report to the department and the pathologist's submitted tissue report.

PHYSICIAN PRIVILEGES (Section 188.080)

Currently, any physician performing or inducing an abortion must have clinical privileges at a hospital which offers obstetrical or

gynecological care located within 30 miles of the location at which the abortion is performed or induced. The provisions of the bill changes that requirement to instead require the physician to have surgical and admitting privileges at such hospital.

AMBULATORY SURGICAL CENTER LICENSING (Section 197.215)

These provisions prohibit the department from issuing or renewing an ambulatory surgical center license unless the applicant meets the requirements of any applicable state or federal law or regulation. Additionally, the department must not waive this requirement as a condition of any litigation, settlement, or any other agreement.

ABORTION FACILITY INSPECTIONS (Section 197.230)

These provisions require the department to conduct annual, unannounced, on-site inspections and investigations of abortion facilities. These inspections must, at a minimum, include the following areas:

- (1) Compliance with all statutory and regulatory requirements for an ambulatory surgical center;
- (2) Compliance with the requirement that all tissue removed at the time of an abortion be submitted to a pathologist and that the resultant tissue report be made a part of the patient's permanent record;
- (3) Review patient records to ensure that no consent forms or other documentation authorizes any utilization of fetal organs or tissue in violation of state law; and
- (4) Compliance with state law prohibiting the use of public funds, facilities, and employees to perform or assist a prohibited abortion or to encourage or counsel a women to have a prohibited abortion.

Additionally, the inspection and investigation reports must be available to the public, provided that information not subject to disclosure under the law be redacted.

This bill is the same as SB 644 (2016).

PROponents: Supporters say that the videos from last summer showed illegal things going on in the abortion industry and some connection with Missouri. Abortion clinics have been unsafe for many years; there have been over 24 ambulance sightings at the Saint Louis Planned Parenthood clinic in the last 4 years. The

investigative hearings from last summer and fall highlighted obvious holes in the procedures in Missouri that need further oversight. There is a need to track the tissue that is being harvested during an abortion and this bill does it. It is a violation enough that a baby is killed in utero, but to then harvest the tissue and sell it for profit is an abomination. SB 644 is amended to allow the use of tissue for criminal investigations, would like to see that amendment on this bill.

Testifying for the bill were Representative Swan and Missouri Right To Life.

OPPONENTS: Those who oppose the bill say that the requirement for a physician to have surgical and admitting privileges at a hospital is excessive. With this logic we should probably require every family practitioner to have surgical and admitting privileges to deal with any possible issues their patients may face. Such privileges are not necessary because doctors have the ability to refer patients to specialists. Abortion procedures are among the safest medical procedures performed in Missouri. These inspection requirements should apply to all ambulatory surgical centers, especially those that are performing far more dangerous procedures. If supporters of the legislation are against embryonic tissue usage in research they should pledge to never use the benefits of the research being impeded by this legislation.

Testifying against the bill was Ed Weisbart.