

FIRST REGULAR SESSION

# HOUSE BILL NO. 771

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOGAN.

1729H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal sections 188.015 and 188.052, RSMo, and to enact in lieu thereof three new sections relating to a ban on certain selective abortions.

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

Section A. Sections 188.015 and 188.052, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 188.015, 188.038, and 188.052, to read as follows:

188.015. As used in this chapter, the following terms mean:

(1) "Abortion":

(a) The act of using or prescribing any instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother's womb; or

(b) The intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Department", the department of health and senior services;

(5) **"Down Syndrome", the same meaning as defined in section 191.923;**

(6) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

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.

16           ~~[(6)]~~ (7) "Medical emergency", a condition which, based on reasonable medical  
17 judgment, so complicates the medical condition of a pregnant woman as to necessitate the  
18 immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a  
19 delay will create a serious risk of substantial and irreversible physical impairment of a major  
20 bodily function of the pregnant woman;

21           ~~[(7)]~~ (8) "Physician", any person licensed to practice medicine in this state by the state  
22 board of registration for the healing arts;

23           ~~[(8)]~~ (9) "Reasonable medical judgment", a medical judgment that would be made by  
24 a reasonably prudent physician, knowledgeable about the case and the treatment possibilities  
25 with respect to the medical conditions involved;

26           ~~[(9)]~~ (10) "Unborn child", the offspring of human beings from the moment of  
27 conception until birth and at every stage of its biological development, including the human  
28 conceptus, zygote, morula, blastocyst, embryo, and fetus;

29           ~~[(10)]~~ (11) "Viability" or "viable", that stage of fetal development when the life of the  
30 unborn child may be continued indefinitely outside the womb by natural or artificial  
31 life-supportive systems.

**188.038. 1. No person shall perform or induce an abortion on a woman if the  
2 person knows that the woman is seeking the abortion solely because of a prenatal  
3 diagnosis, test, or screening indicating Down Syndrome or the potential of Down Syndrome  
4 in an unborn child.**

**2. No person shall perform or induce an abortion on a woman if the person knows  
6 that the woman is seeking the abortion solely because of the sex or race of the unborn child.**

**3. Any physician or other person who performs or induces or attempts to perform  
8 or induce an abortion prohibited by this section shall be subject to all applicable civil  
9 penalties under this chapter including, but not limited to, sections 188.065 and 188.085.**

188.052. 1. An individual abortion report for each abortion performed or induced upon  
2 a woman shall be completed by her attending physician.

3           2. An individual complication report for any post-abortion care performed upon a woman  
4 shall be completed by the physician providing such post-abortion care. This report shall include:

5           (1) The date of the abortion;

6           (2) The name and address of the abortion facility or hospital where the abortion was  
7 performed;

8           (3) The nature of the abortion complication diagnosed or treated;

9           **(4) Certification that the attending physician does not have any knowledge that the  
10 woman sought the abortion solely because of a prenatal diagnosis, test, or screening  
11 indicating Down Syndrome or the potential of Down Syndrome in an unborn child; and**

12           **(5) Certification that the attending physician does not have any knowledge that the**  
13 **woman sought the abortion solely because of the sex or race of the unborn child.**

14           3. All abortion reports shall be signed by the attending physician, and submitted to the  
15 state department of health and senior services within forty-five days from the date of the  
16 abortion. All complication reports shall be signed by the physician providing the post-abortion  
17 care and submitted to the department of health and senior services within forty-five days from  
18 the date of the post-abortion care.

19           4. A copy of the abortion report shall be made a part of the medical record of the patient  
20 of the facility or hospital in which the abortion was performed.

21           5. The state department of health and senior services shall be responsible for collecting  
22 all abortion reports and complication reports and collating and evaluating all data gathered  
23 therefrom and shall annually publish a statistical report based on such data from abortions  
24 performed in the previous calendar year.

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