

SS SCS HB 126 -- ABORTION

This bill modifies provisions relating to abortion.

PREGNANCY RESOURCE CENTERS

The bill modifies the definition of a pregnancy resource center for the purposes of the pregnancy resource center tax credit to include facilities that provide assistance to women and families with crisis pregnancies or unplanned pregnancies by offering services specified in the bill and services provided under the Missouri Alternatives to Abortion Services Program in Section 188.325, RSMo. The tax credit is increased from 50% of the amount contributed to 70% beginning January 1, 2021. It also removes the cap on the cumulative amount of tax credits claimed by all taxpayers in the fiscal year beginning July 1, 2021, and removes the sunset provision (Section 135.630).

SANCTUARY OF LIFE

The General Assembly declares its intention that the state and its political subdivisions shall be a "sanctuary of life" to protect pregnant women and their unborn children (Section 188.010).

THE "RIGHT TO LIFE OF THE UNBORN CHILD ACT"

An abortion performed or induced upon a woman, unless in cases of medical emergencies, shall be a class B felony and shall subject the person performing or inducing the abortion to suspension or revocation of his or her professional license. This provision has a contingent effective date based on federal law and court rulings (Section 188.017).

THE "MISSOURI STANDS FOR THE UNBORN ACT"

This bill specifies that an abortion shall not be performed or induced upon a woman at eight weeks gestational age or later, except in cases of medical emergency. The language does not make a specific exception for rape or incest. A person who knowingly violates these provisions shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license. A pregnant woman upon whom an abortion is performed or induced in violation of these provisions shall not be prosecuted for a conspiracy to violate the provisions of this act (Sections 188.026 188.056, 188.057, and 188.058).

INFORMED CONSENT

Prior to performing an abortion, a physician must present to his or

her patient printed materials from the department. This bill modifies the requirements of the printed materials regarding the pain capability of an unborn child (Section 188.027).

#### PARENTAL NOTIFICATION IN CASES OF ABORTION UPON A MINOR

Currently, an abortion on a minor shall not be knowingly performed until the attending physician has secured the written informed consent of the minor and one parent or guardian, unless a specified exception applies. This provision requires that the consenting parent or guardian notify any other parent or guardian in writing before giving consent, except under certain circumstances (Section 188.028).

This provision has an emergency clause.

#### MATERIALS PROVIDED TO PERSONS RECEIVING REFERRALS FOR OUT-OF-STATE ABORTIONS

The bill requires in-state abortion facilities or family planning agencies to provide specified printed materials when providing a woman an out-of-state abortion referral. If the referral is not made in person, the facility or agency shall offer the printed materials to the woman and send them either electronically or through the U.S. mail at no cost to the woman (Section 188.033).

#### PROHIBITION OF DISCRIMINATORY ABORTIONS

These sections assert that the General Assembly finds that it is a legitimate purpose of government to remove vestiges of past bias or discrimination against pregnant women, their partners, and their family members, including unborn children. The bill prohibits any person from performing or inducing an abortion on a woman if the person knows that the woman is seeking the abortion solely because of a prenatal diagnosis, test, or screening indicating Down Syndrome or the potential of Down Syndrome in an unborn child, or because of the sex or race of the unborn child.

Currently, any attending physician must complete an abortion report for each abortion performed. This bill requires the physician to include a certification that the physician does not have any knowledge that the woman sought the abortion solely because of a prenatal diagnosis, test, or screening indicating Down Syndrome or the potential of Down Syndrome in an unborn child, as well as a certification that the physician does not have any knowledge that the woman sought the abortion solely because of the sex or race of the unborn child.

Any physician or other person who violates these provisions shall

be subject to civil liability and revocation of his or her professional license (Sections 188.038 and 188.052).

#### ABORTION PROVIDER INSURANCE

This bill changes the medical malpractice insurance an abortion provider is required to have from \$500,000 to \$1 million per occurrence and \$3 million in the annual aggregate. Additionally, the bill requires a person performing or inducing an abortion to carry tail insurance of at least \$1 million per occurrence and \$3 million in the annual aggregate for personal injury to or death of a child who survives an abortion induced by a drug or chemical that carries a Food and Drug Administration or other specified warning that the chemical may cause birth defects, disability, or other injury in a child who survives the abortion (Sections 188.043 and 188.044).

#### THE "LATE-TERM PAIN-CAPABLE UNBORN CHILD PROTECTION ACT"

The bill establishes the "Late-Term Pain-Capable Unborn Child Protection Act," prohibiting any abortion, except in the case of a medical emergency, from being performed or induced on a woman carrying a late-term pain-capable unborn child, defined as an unborn child at 20 weeks gestational age or later.

If a physician performs or induces an abortion upon a woman in her third trimester carrying a late-term pain-capable unborn child in cases of a medical emergency, the physician shall utilize the available method or technique that provides the best opportunity for the unborn child to survive, or if such method would present a greater risk to the life or health of the mother, the method or technique that offers less risk to the mother. The physician shall document in writing the method or technique utilized and the reason it was selected. In such cases of medical emergency, there shall be another physician in attendance other than the physician performing or inducing the abortion who shall provide immediate care for a child born as a result of the abortion.

Any physician who violates these provisions shall be guilty of a class D felony and subject to suspension or revocation of his or her license (Sections Section 188.027 and 188.375).