

HOUSE BILL NO. 1799

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOON.

4179H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 1.205 and 188.015, RSMo, and to enact in lieu thereof two new sections relating to the right to life.

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

Section A. Sections 1.205 and 188.015, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 1.205 and 188.015, to read as follows:

1.205. 1. **The provisions of this section shall be known and may be cited as the "Right to Due Process Act"**. The general assembly of this state finds that:

(1) The life of each human being begins at ~~[conception]~~ **fertilization and each human being is hereby deemed a person beginning at the time of fertilization;**

(2) ~~[Unborn]~~ **Children in women's wombs** have protectable interests in life, health, and well-being;

(3) The natural parents of ~~[unborn children]~~ **a child in a woman's womb** have protectable interests in the life, health, and well-being of their ~~[unborn]~~ **child in the womb**.

2. Effective January 1, 1988, the laws of this state shall be interpreted and construed to acknowledge on behalf of the ~~[unborn]~~ **child in a woman's womb** at every stage of development~~[,] all the rights, privileges, and immunities available to other persons, citizens, and residents of this state[, subject only to the Constitution of the United States, and decisional interpretations thereof by the United States Supreme Court and specific provisions to the contrary in the statutes and constitution of this state].~~

3. As used in this section, the term ~~["unborn children" or "unborn child"]~~ **"child in a woman's womb" or "children in women's wombs"** shall include all ~~[unborn child or]~~ children ~~[or]~~ **and** the offspring of human beings from the moment of ~~[conception]~~ **fertilization** until birth,

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.

18 at every stage of biological development. **Any reference in statute to "unborn children" shall**
19 **have the same meaning as "children in women's wombs".**

20 4. Nothing in this section shall be interpreted as creating a cause of action against a
21 woman for indirectly harming ~~[her unborn]~~ **a child in her womb** by failing to properly care for
22 herself or by failing to follow any particular program of prenatal care.

23 **5. Law enforcement officers, officers of the court, and any licensed or state-**
24 **regulated entities in the state shall affirmatively enforce Article I, Section 10 of the**
25 **Constitution of Missouri, which specifies that no person shall be deprived of life, liberty,**
26 **or property without due process of law.**

27 **6. If any provisions of this section are ever temporarily or permanently restrained**
28 **or enjoined by judicial order, this section shall be enforced as though such restrained or**
29 **enjoined provisions had not been adopted; provided that, whenever such temporary or**
30 **permanent restraining order or injunction is stayed or dissolved, or otherwise ceases to**
31 **have effect, such provisions shall have full force and effect.**

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

2 (1) "Abortion":

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

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

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

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

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

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

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

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

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

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

26 (10) "Unborn child", the offspring of human beings from the moment of [~~conception~~]
27 **fertilization** until birth and at every stage of its biological development, including the human
28 conceptus, zygote, morula, blastocyst, embryo, and fetus. **"Unborn child" shall also have the**
29 **same meaning as "child in a woman's womb";**

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

33 (12) "Viable pregnancy" or "viable intrauterine pregnancy", in the first trimester of
34 pregnancy, an intrauterine pregnancy that can potentially result in a liveborn baby.

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