

HB 672 -- BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT

SPONSOR: Coleman (97)

This bill creates the "Born-Alive Abortion Survivors Protection Act". Under this bill, a child born alive during or after an abortion or attempted abortion shall have the same rights, privileges, and immunities as any other person, citizen, and resident of Missouri, including any other live-born child.

Any licensed, registered, or certified health care provider present at the time a child is born alive during or after an abortion or attempted abortion shall exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious provider would render to any other child born alive at the same gestational age, as well as ensure that the child is transported and admitted to a hospital following such care.

A person shall be civilly liable if he or she:

(1) Knowingly, recklessly, or negligently causes the death of a child born alive during or after an abortion or attempted abortion;

(2) Knowingly fails to comply with the health care provider standards of care described in this act;

(3) Knowingly performs or induces, or attempts to perform or induce, an unlawful abortion;

(4) Knowingly aids or abets another person to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion;

(5) Knowingly, recklessly, or negligently supplies or makes available any instrument, device, medicine, drug, or any other means or substance for another person to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion; or

(6) Knowingly incites, solicits, or otherwise uses speech or writing as an integral part of conduct in violation of a valid criminal statute to influence another person to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion.

A cause of action for personal injury, bodily injury, or wrongful death may be brought if injury or death arises out of or results from any of these circumstances to:

(1) A person upon whom an unlawful abortion or attempted unlawful abortion was performed or induced;

(2) A person who underwent a self-induced abortion or attempted self-induced abortion or who procured an unlawful abortion or attempted unlawful abortion;

(3) A child who was born alive during or after an abortion or attempted abortion; or

(4) An unborn child.

In a cause of action for wrongful death, the spouse, partner, parents, siblings, and children of the deceased person, child, or unborn child shall be entitled to bring the action and receive damages, attorney fees, and other costs as described in the act. A defendant may not plead or prove a defense that the plaintiff assumed or otherwise consented to certain risks involving self-induced or unlawful abortions or attempted self-induced or unlawful abortions.

This bill is the same as SB 168 (2021); SB 665 (2020); and similar to SB 388 (2019).