

SECOND REGULAR SESSION

HOUSE BILL NO. 2810

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SEITZ.

5798H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 338.270 and 338.337, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

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

Section A. Sections 338.270 and 338.337, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 188.090, 338.270, and 338.337, to read as
3 follows:

188.090. 1. A person or entity commits the offense of trafficking abortion-
2 **inducing devices or drugs if such person or entity knowingly imports, exports,**
3 **distributes, delivers, manufactures, produces, prescribes, administers, or dispenses or**
4 **attempts to import, export, distribute, deliver, manufacture, produce, prescribe,**
5 **administer, or dispense any instrument, device, medicine, drug, or any other means**
6 **or substance to be used for the purpose of performing or inducing an abortion on**
7 **another person in violation of any state or federal law.**

8 **2. The offense of trafficking abortion-inducing devices or drugs is a class B**
9 **felony.**

10 **3. The offense of trafficking abortion-inducing devices or drugs is a class A**
11 **felony if:**

12 **(1) The abortion was performed or induced or was attempted to be performed or**
13 **induced on a woman carrying an unborn child of more than ten weeks gestational age;**

14 **(2) The abortion was performed or induced or was attempted to be performed or**
15 **induced on a woman who has an ectopic pregnancy;**

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 **(3) The abortion was performed or induced or was attempted to be performed or**
17 **induced on a woman who is a victim of trafficking as defined in section 566.200;**

18 **(4) The quantity involved is sufficient for performing or inducing abortions on**
19 **three or more women;**

20 **(5) It is the second or subsequent offense of trafficking abortion-inducing devices**
21 **or drugs; or**

22 **(6) The location of the offense is:**

23 **(a) Within two thousand feet of real property comprising a public or private**
24 **elementary, vocational, or secondary school, college, community college, university, or**
25 **any school bus;**

26 **(b) In or on the real property comprising public housing or any other**
27 **governmental assisted housing;**

28 **(c) Within a motor vehicle; or**

29 **(d) In any structure or building which contains rooms furnished for the**
30 **accommodation or lodging of guests, and kept, used, maintained, advertised, or held out**
31 **to the public as a place where sleeping accommodations are sought for pay or**
32 **compensation to transient guests or permanent guests.**

338.270. 1. Application blanks for renewal permits shall be mailed to each permittee
2 on or before the first day of the month in which the permit expires and, if application for
3 renewal of permit is not made before the first day of the following month, the existing permit,
4 or renewal thereof, shall lapse and become null and void upon the last day of that month.

5 2. The board of pharmacy shall not renew a nonresident pharmacy license if the
6 renewal applicant does not hold a current pharmacy license or its equivalent in the state in
7 which the nonresident pharmacy is located.

8 **3. The board of pharmacy shall not issue or renew a nonresident pharmacy**
9 **license if the applicant or licensee delivers directly to a patient within this state via**
10 **common carrier, mail, carrier services, or any other delivery service any instrument,**
11 **device, medicine, drug, or any other means or substance to be used for the purpose of**
12 **performing or inducing an abortion, as defined in section 188.015.**

338.337. 1. It shall be unlawful for any out-of-state wholesale drug distributor, out-
2 of-state pharmacy acting as a distributor, drug outsourcers, or third-party logistics provider to
3 do business in this state without first obtaining a license to do so from the board of pharmacy
4 and paying the required fee, except as otherwise provided by section 338.335 and this section.
5 Application for an out-of-state wholesale drug distributor's, drug outsourcer's, or out-of-state
6 third-party logistics provider's license under this section shall be made on a form furnished by
7 the board. The issuance of a license under sections 338.330 to 338.370 shall not change or
8 affect tax liability imposed by the Missouri department of revenue on any entity. Any out-of-

9 state wholesale drug distributor that is a drug manufacturer and which produces and
10 distributes from a facility which has been inspected and approved by the Food and Drug
11 Administration, maintains current approval by the federal Food and Drug Administration, and
12 has provided a copy of the most recent Food and Drug Administration Establishment
13 Inspection Report to the board, and which is licensed by the state in which the distribution
14 facility is located, or, if located within a foreign jurisdiction, is authorized and in good
15 standing to operate as a drug manufacturer within such jurisdiction, need not be licensed as
16 provided in this section but such out-of-state distributor shall register its business name and
17 address with the board of pharmacy and pay a filing fee in an amount established by the
18 board.

19 **2. It shall be unlawful for a licensed or registered out-of-state wholesale drug**
20 **distributor, out-of-state pharmacy acting as a distributor, drug outsourcer, or third-**
21 **party logistics provider to deliver directly to a patient within this state via common**
22 **carrier, mail, carrier service, or any other delivery service any instrument, device,**
23 **medicine, drug, or any other means or substance to be used for the purpose of**
24 **performing or inducing an abortion, as defined in section 188.015.**

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