

HCS HBs 1593 & 1959 -- BORN-ALIVE ABORTION SURVIVORS ACT

SPONSOR: Walsh (50)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Oversight by a vote of 6 to 2. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 10 to 3.

The following is a summary of the House Committee Substitute for HB 1593.

This bill establishes the "Born-Alive Abortion Survivors Protection Act". This bill mandates that 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 liveborn 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 as specified in this bill when 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 bill;
- (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 bill. 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).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that the bill clarifies that doctors protect life, especially when it involves children. The statute has needed to be updated for a while now and this bill will do so. If a child survives he or she should be offered the same amount of care as any other child.

Testifying for the bill were Representative Walsh; Beverley Fries; Dennis Bogle; Jennifer Foster; Joan Rawson; Suzanne Cronin; Grace Bellante; James C. Meyer; Roger A. Fries; Susan Taylor; Missouri Catholic Conference; Bev Ehlen; Cheryl Bohl; Cindy Ann Horn; Constance R Larson; Dana Crowder; Don Hinkle, Missouri Baptist Convention; Gary & Becky Ridenhour; Geri Thwing; Josephine Lee

Aguhob Glaser, MD, FAAFP, American Association of Pro-life Obstetricians and Gynecologists-Family Medicine Section; Judy Sofka; Kerrie K.; Les Larson; Linda Burgess; Lorna Piper; Mary Ann Coatney; Matthew Arri; Maureen Catherine Lauer; Richard Homan; Sonia Potts; Carol Pitzer; Pam Heitzmann; Rachel Blackmore; Mitchell Hubbard; Concerned Women for America of Missouri; Christine (Chriss) White; Debra Cochran; Betty Smith; Carrie Ann Yanson; Cherie Stott; Cindy Deggendorf; Donald Lowther; Janet Hennessey; Lindi Williford; Paula Juelich; Rita Lavanchy; Ruth Downey; Shawn Keller; Campaign Life Missouri; Sherri Lynn Stechmann; Arnie C. Dienoff; Cynthia Brown; Darlene; James Hann; Jen Barker; Judith K. M. Brown; Julie Burgess; Julie Kluba; Laura Riley; Marlys Schoenwetter; Rebecca A Boerner; Sharon Wolf; Becky Campbell; Missouri Right To Life; and Melissa Ohden, MSW, The Abortion Survivors Network.

OPPONENTS: Those who oppose the bill submitted written testimony.

Testifying against the bill were Susan Gibson and Pro Choice Missouri.

OTHERS: Others testifying on the bill submitted written testimony

Testifying on the bill was Robin Pierucci, Charlotte Lozier Institute.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.