

HB 1339 -- Informed Consent for Abortions

Sponsor: Cunningham (86)

This bill revises provisions relating to abortions. The bill:

(1) Revises a penalty provision pertaining to the performance of actions contrary to current law and the nonperformance of required actions under current law. A defense of performing or not performing an action due to a medical emergency is established; and

(2) Creates the definition for "medical emergency."

The bill also prohibits a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without the informed consent required by Section 188.028, RSMo. Any person who violates this provision will be civilly liable to persons adversely affected by the action. If civil liability is established, a court may award damages, including attorney fees and court costs to any person adversely affected by a violation.

The bill does not allow a defense to a claim which asserts that the abortion was performed in accordance with the required consent of the state or place where the abortion was performed. The bill also contains a provision which prohibits an unemancipated minor from having the capacity to consent to any action in violation of the bill or Section 188.028.

A court may enjoin conduct in violation of the bill upon a petition by the Attorney General, a prosecuting attorney or circuit attorney, or a person adversely affected or who may be adversely affected. In order for a court to enjoin any violation, the bill requires that there must be a showing that the conduct has occurred in the past and that it is not unreasonable to expect that the conduct will be repeated or that the conduct is reasonably anticipated to occur in the future.