

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 174

99TH GENERAL ASSEMBLY

0859H.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to the right to life, with an emergency clause.

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

2 Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be
3 known as section 188.125, to read as follows:

2 **188.125. 1. It is the intent of the general assembly to acknowledge the right of an**
3 **alternatives to abortion agency to operate freely and engage in speech without**
4 **governmental interference as protected by the constitution of the United States and the**
5 **constitution and laws of Missouri, for the right of a person to not be compelled by the**
6 **government to participate in abortion contrary to his, her, or its religious beliefs or moral**
7 **convictions, and that the constitution of the United States and the constitution and laws of**

8 **Missouri shall be interpreted, construed, applied, and enforced to fully protect such rights.**
9 **2. A political subdivision of this state is preempted from enacting, adopting,**
10 **maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar**
11 **measure that prohibits, restricts, limits, controls, directs, interferes with, or otherwise**
12 **adversely affects an alternatives to abortion agency or its officers', agents', employees', or**
13 **volunteers' operations or speech including, but not limited to, counseling, referrals, or**
14 **education of, advertising or information to, other communications with, clients, patients,**

15 **3. Nothing in subsection 2 of this section shall preclude or preempt a political**
16 **subdivision of this state from exercising its lawful authority to regulate zoning or land use**

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.

17 or to enforce a building or fire code regulation; provided that, such political subdivision
18 treats an alternatives to abortion agency in the same manner as a similarly situated agency
19 and that such authority is not used to circumvent the intent of subsection 2 of this section.

20 4. A political subdivision of this state is preempted from enacting, adopting,
21 maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar
22 measure that has the purpose or effect of requiring a person to directly or indirectly
23 participate in abortion if such participation is contrary to the religious beliefs or moral
24 convictions of such person.

25 5. A political subdivision of this state is preempted from enacting, adopting,
26 maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar
27 measure requiring a real estate broker, real estate salesperson, real estate broker-
28 salesperson, appraisal firm, or appraiser as defined in chapter 339, property owner, or any
29 other person to buy, sell, exchange, purchase, rent, lease, advertise for, or otherwise
30 conduct real estate transactions for, to, or with an abortion facility or for, to, or with a
31 person for the purpose of performing or inducing an abortion not necessary to save the life
32 of the mother, if such requirement is contrary to the religious beliefs or moral convictions
33 of such real estate broker, real estate salesperson, real estate broker-salesperson, appraisal
34 firm, appraiser, property owner, or other person.

35 6. A political subdivision of this state is preempted from enacting, adopting,
36 maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar
37 measure requiring an employer, employee, health plan provider, health plan sponsor,
38 health care provider, or any other person to provide coverage for or to participate in a
39 health plan that includes benefits that are not otherwise required by state law.

40 7. In any action to enforce the provisions of this section, a court of competent
41 jurisdiction may order injunctive or other equitable relief, recovery of damages or other
42 legal remedy, or both, as well as payment of reasonable attorney's fees, costs, and expenses.
43 The relief and remedies set forth shall not be deemed exclusive and shall be in addition to
44 any other relief or remedies permitted by law.

45 8. In addition to a private cause of action by a person whose rights are violated
46 contrary to the provisions of this section, the attorney general is also authorized to bring
47 a cause of action to defend the rights guaranteed under this section.

48 9. Nothing in this section shall be construed to prohibit a political subdivision from
49 enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy,
50 or other similar measure to assist pregnant women to carry their unborn children to term
51 or to assist women in caring for their dependent children or placing their children for

52 **adoption including, but not limited to, by funding or otherwise assisting an alternatives to**
53 **abortion agency to provide services to such women and children.**

54 **10. As used in this section, the following terms mean:**

55 **(1) "Alternatives to abortion agency":**

56 **(a) A maternity home as defined in section 135.600;**

57 **(b) A pregnancy resource center as defined in section 135.630; or**

58 **(c) An agency or entity that has the primary purpose of providing services or**
59 **counseling to pregnant women to assist such women in carrying their unborn children to**
60 **term instead of having abortions and to assist such women in caring for their dependent**
61 **children or placing their children for adoption, as described in section 188.325, regardless**
62 **of whether such agency or entity is receiving funding or reimbursement from the state for**
63 **such purposes;**

64 **(2) "Participate in abortion":**

65 **(a) To undergo an abortion; or**

66 **(b) To perform or induce, assist in, refer or counsel for, advocate for, promote,**
67 **procure, reimburse for, or provide health plan coverage for an abortion not necessary to**
68 **save the life of the mother.**

Section B. Because of the immediate need to protect the right to life of persons in this
2 state, the enactment of section 188.125 of section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and the enactment of section
5 188.125 of section A of this act shall be in full force and effect upon its passage and approval.

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