

SECOND REGULAR SESSION

HOUSE BILL NO. 1847

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES PHILLIPS, LUETKENHAUS, KELLY (36), HOLT, DOLAN, REID, PORTWOOD, BARTLE (Co-sponsors), SCOTT, BARTELSMEYER, CRAWFORD, LINTON, SHOEMAKER (8), MOORE, RECTOR, BEARDEN, KELLY (144), KELLEY (47), HUNTER, CROWELL, ENZ, VILLA, MARBLE, MYERS, REYNOLDS, REINHART, BERKSTRESSER, NORDWALD, FROELKER, CIERPIOT, BEHNEN, BLACK, VOGEL, BERKOWITZ, MARSH, CUNNINGHAM, TOWNLEY, BOATRIGHT, SURFACE, GRIESHEIMER, MAYER, MURPHY, HENDRICKSON, COOPER, LONG, LEGAN, GRATZ, JETTON, NAEGER, BURTON, SECREST, PURGASON, HOLAND, QUINN, BURCHAM, HOPPE AND ROBIRDS.

Read 1st time February 7, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4253L.01I

AN ACT

To repeal section 188.039, RSMo, and to enact in lieu thereof one new section relating to informed consent for abortion.

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

Section A. Section 188.039, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.039, to read as follows:

188.039. 1. [No physician shall perform an abortion unless, prior to such abortion, the physician certifies in writing that the woman gave her informed consent, freely and without coercion, after the attending physician had informed her of the information contained in subsection 2 of this section and shall further certify in writing the pregnant woman's age, based upon proof of age offered by her.

2. In order to insure that the consent for an abortion is truly informed consent, no abortion shall be performed or induced upon a pregnant woman unless she has signed a consent form that shall be supplied by the state department of health, acknowledging that she has been informed by the attending physician of the following facts:

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 (1) That according to the best medical judgment of her attending physician whether she
11 is or is not pregnant;

12 (2) The particular risks associated with the abortion technique to be used;

13 (3) Alternatives to abortion shall be given by the attending physician.

14 3. The physician may inform the woman of any other material facts or opinions, or
15 provide any explanation of the above information which, in the exercise of his best medical
16 judgment, is reasonably necessary to allow the woman to give her informed consent to the
17 proposed abortion, with full knowledge of its nature and consequences.] **Except in the case of**
18 **medical emergency, no person shall perform or induce an abortion unless, at least twenty-**
19 **four hours prior thereto, the treating physician has conferred with the patient and**
20 **discussed with her the indicators and contra-indicators for the proposed procedure or drug**
21 **or drugs in light of her medical history and medical condition. For an abortion induced**
22 **by a drug or drugs, such conference shall take place at least twenty-four hours prior to the**
23 **writing or communication of the first prescription for such drug or drugs in connection**
24 **with inducing an abortion. Only one such conference shall be required before prescribing**
25 **two or more drugs which are intended to be used serially or in combination to induce and**
26 **complete one abortion. The patient shall be screened prior to or during the conference for**
27 **risk factors, including any physical, psychological or situational factors which would**
28 **predispose the patient to, or increase the risk of, experiencing one or more adverse**
29 **physical, emotional or other health reactions to the proposed procedure or drug or drugs,**
30 **in either the short or long term, as compared with women who do not possess such risk**
31 **factors. At the end of the conference, the treating physician shall sign, and shall cause the**
32 **patient to sign, a written statement certifying that such screening and discussion has been**
33 **performed and that the woman gave her informed consent, freely and without coercion,**
34 **after the physician had discussed with her the indicators and contra-indicators of the**
35 **proposed procedure or drug or drugs in light of her medical history and medical condition.**
36 **All such executed statements shall be maintained as part of the patient's medical file,**
37 **subject to the confidentiality laws and rules of this state.**

38 2. The director of the department of health shall disseminate a model form that
39 physicians may use as the written statement required by this section, but any lack or
40 unavailability of such a model form shall not affect the duties of the physician set forth in
41 subsection 1 of this section.

42 3. For purposes of this chapter, the following terms mean:

43 (1) "Medical emergency", a condition which, on the basis of the physician's good
44 faith clinical judgment, so complicates the medical condition of a pregnant woman as to
45 necessitate the immediate abortion of her pregnancy to avert her death or for which a

46 **delay will create a serious risk of substantial and irreversible impairment of a major bodily**
47 **function;**
48 **(2) "Perform", includes the term induce.**