

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 570
95TH GENERAL ASSEMBLY

1324L.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof four new sections relating to abortion, with a penalty provision.

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

Section A. Sections 188.052, 188.055, and 188.070, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 188.052, 188.055, 188.070, and
3 566.033, to read as follows:

188.052. 1. An individual abortion report for each abortion performed or induced upon
2 a woman shall be completed by her attending physician. **The report shall include the**
3 **following:**

4 **(1) Information required by the United States Standard Report of Induced**
5 **Termination of Pregnancy published by the National Center for Health Statistics, Centers**
6 **for Disease Control and Prevention within the United States Department of Health and**
7 **Human Services, or its successor agency;**

8 **(2) Additional information on the type of abortion procedure used, including the**
9 **specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs**
10 **employed, including but not limited to: vacuum aspiration, suction curettage, sharp**
11 **curettage, dilation and evacuation (D&E), intact D&E, dilation and extraction (D&X),**
12 **intrauterine saline instillation, intrauterine prostaglandin instillation, hysterotomy,**
13 **methotrexate, mifepristone, or misoprostol;**

14 **(3) If provided by the woman, the reason or reasons the woman sought the**
15 **abortion, including specific medical, social, economic, or other factors, including but not**
16 **limited to: particular maternal health conditions, pregnancy resulting from rape or incest,**
17 **does not want other persons to know of her pregnancy, other persons object to her**

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.

18 pregnancy, has relationship problems with the father of the child, or other family
19 members, lack of financial support from the father of the child, disruption of education or
20 job, or desire to limit family size; and

21 (4) If provided by the woman, whether the woman used any method of family
22 planning during the time she became pregnant, and if so, the specific method employed.

23 2. An individual complication report for any post-abortion care performed **or induced**
24 upon a woman shall be completed by the physician providing such post-abortion care. This
25 report shall include **but not be limited to:**

26 (1) The date of the abortion;

27 (2) The name and address of the abortion facility or hospital where the abortion was
28 performed **or induced**;

29 (3) The nature of the abortion complication diagnosed or treated.

30 3. All abortion reports shall be signed by the attending physician, and submitted to the
31 [state] department [of health and senior services] within forty-five days from the date of the
32 abortion. All complication reports shall be signed by the physician providing the post-abortion
33 care and submitted to the department [of health and senior services] within forty-five days from
34 the date of the post-abortion care.

35 4. A copy of the abortion report shall be made a part of the medical record of the patient
36 of the **abortion** facility or hospital in which the abortion was performed **or induced**.

37 5. The [state] department [of health and senior services] shall be responsible for
38 collecting all abortion reports and complication reports and collating and evaluating all data
39 gathered therefrom and shall annually publish a statistical report based on such data from
40 abortions performed **or induced and post-abortion care provided** in the previous calendar
41 year. **The report shall specify the gestational age, by weekly increments, at which abortions**
42 **were performed or induced. The report shall not include any information that would allow**
43 **the public to identify a specific:**

44 (1) Patient who obtained an abortion or who received post-abortion care;

45 (2) Physician who performed or induced an abortion or who provided post-
46 abortion care; or

47 (3) Hospital or abortion facility where the abortion was performed or induced, or
48 which provided post-abortion care.

49 6. The information provided by the woman shall be voluntarily provided by the
50 woman seeking or obtaining the abortion, but the abortion facility, hospital, or physician
51 shall make all reasonable efforts to collect the information required by this section and
52 shall in no way dissuade or otherwise discourage the woman from providing the
53 information required by this section.

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms
2 by the department [of health and senior services] for use in regards to the consents and reports
3 required by sections 188.010 to 188.085. A purpose and function of such consents and reports
4 shall be the preservation of maternal health and life by adding to the sum of medical knowledge
5 through the compilation of relevant maternal health and life data and to monitor all abortions
6 performed **or induced** to assure that they are done only under and in accordance with the
7 provisions of the law.

8 2. All information obtained by a physician, hospital, or abortion facility from a patient
9 for the purpose of preparing reports to the department [of health and senior services] under
10 sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be
11 confidential and shall be used only for statistical purposes. Such records, however, may be
12 inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates**
2 the confidentiality of any records [or] , reports [required] , **or documents maintained by the**
3 **hospital or abortion facility, or received by the department** under sections 188.010 to
4 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law]
5 **class D felony.**

566.033. 1. Any minor less than fourteen years of age who seeks an abortion in this
2 **state is presumed to be a victim of the crime of statutory rape in the first degree under**
3 **section 566.032. Any abortion provider who determines that the person seeking an**
4 **abortion is less than fourteen years of age shall retain a tissue sample so DNA testing can**
5 **be performed by the department of health and senior services, and shall report the crime**
6 **and collect and preserve evidence of such crime.**

7 **2. Any abortion provider who determines that a minor between the ages of fourteen**
8 **and eighteen is seeking abortion services and such minor provides information to the**
9 **provider indicating that the minor may be the victim of a sexual offense under this chapter**
10 **shall retain a tissue sample so DNA testing can be performed by the department of health**
11 **and senior services, and shall report the possible crime and collect and preserve evidence**
12 **of such crime.**

13 **3. Any abortion provider who violates the provisions of this section is guilty of a**
14 **class A misdemeanor. Any second or subsequent violation of this section is a class D felony.**

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