

HB 46 -- Informed Consent for Abortions

Sponsor: Davis

Currently, abortions may only be performed when informed and written consent is freely given by the pregnant woman, except for abortions performed in the case of a medical emergency. This bill changes the laws regarding the consent requirements for obtaining an abortion and creates the crime of coercing an abortion. In its main provisions, the bill:

(1) Specifies that voluntary and informed consent is given freely only if at least 24 hours prior to the abortion:

(a) The woman has been informed in person, in writing and orally, of the name of the physician who is to perform or induce the abortion, medically accurate information about the abortion procedure, alternatives to the abortion, telephone number for the physician for any questions, the location of a hospital within 30 miles of where the abortion is performed or induced where the woman may receive follow-up care if complications arise, and details about the development of the unborn child;

(b) The woman's physician presents, in person, materials about the gestational ages of an unborn child, methods of abortion and its risks, the possibility of an abortion causing pain to the unborn child, and the child support liability of the unborn child's father;

(c) The physician offers to do a fetal ultrasound imaging and auscultation of the fetal heart tones to view the image and hear the heart beat of her unborn child at any local health care provider;

(d) Alternatives to abortion materials provided by a physician identify agencies that assist pregnant woman and the services they offer, explain the Missouri Alternatives to Abortion Services Program, and identify a web site and toll-free number for the program; and

(e) The physician informs and displays a public statement that advertises adoption alternatives are available and that it is illegal to coerce an adoption;

(2) Specifies that required information provided to pregnant women considering an abortion must be provided in a private room and that the woman must be given the opportunity to ask questions. Reading or language barriers must be addressed to ensure comprehension;

(3) Requires the pregnant woman to certify by signature on a checklist form provided by the Department of Health and Senior Services prior to an abortion that she was provided all required information and the opportunity to view an ultrasound and hear the heartbeat and that she was not coerced into having an abortion;

(4) Requires a pregnant woman at 22 weeks gestation or more to be given the opportunity to choose to have a drug administered to eliminate or alleviate pain to the unborn child during the abortion;

(5) Prohibits physicians from performing or inducing an abortion without a woman's signed checklist and informed consent given without coercion. If the physician believes the woman to be coerced, the physician must inform the woman of available services;

(6) Requires emergency abortions to be certified in writing by the physician which clearly designates the nature of the medical emergency;

(7) Prohibits payment for an abortion procedure to be collected until 24 hours after all required information has been provided to the woman seeking the abortion;

(8) Specifies that all informational materials provided to a pregnant woman seeking an abortion must be produced by the department by November 26, 2009. Materials must be provided to any health facility that provides abortions; and the department must provide a toll-free, 24-hour telephone number where a caller can obtain regional information concerning agencies and services;

(9) Prohibits an employer from requiring an employee or applicant to get an abortion as a requirement for employment;

(10) Specifies that only licensed physicians can perform or induce an abortion. Anyone violating this provision will be guilty of a class B felony;

(11) Specifies that coercing a woman to seek or obtain an abortion, by any illegal act, will be a misdemeanor or a felony depending on the type of illegal offense. A woman who has been coerced into having an abortion has not given consent to an abortion;

(12) Specifies that any person who performs or induces an abortion on a woman, knowing that the woman has been coerced into an abortion, will be guilty of a class C felony;

(13) Requires a health care provider or an abortion facility which has reasonable cause to suspect that a child, a vulnerable person, or a disabled person is the victim of a coerced abortion to report the suspected abuse to the appropriate department;

(14) Requires a health care provider or an abortion facility which has reasonable cause to suspect that a woman is the victim of a coerced abortion and has been subject to abuse by a present or former family or household member or the victim of stalking to provide the woman with information about orders of protection; and

(15) Prohibits a physician who knows that a woman has been coerced to seek an abortion from performing the abortion and requires the physician to certify that the woman has not given consent.