

FIRST REGULAR SESSION

HOUSE BILL NO. 328

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KOENIG (Sponsor), FUNDERBURK, CURTMAN, McCAHERTY, DAVIS, SMITH (150), LONG, STREAM, GUERNSEY, PHILLIPS, FAITH, KEENEY, REIBOLDT, BAHR, ALLEN, ROWLAND, DUGGER, SCHOELLER, PARKINSON, GOSEN, FISHER, KELLEY (126) AND CROSS (Co-sponsors).

0962L.01H

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to the abortion-inducing drugs safety act, with penalty provisions.

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

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.033, to read as follows:

188.033. 1. This section shall be known and may be cited as the "Abortion-inducing Drugs Safety Act".

2. No person who is not a physician shall knowingly prescribe or administer RU-486 (mifepristone) or any other drug for the purpose of inducing an abortion.

3. RU-486 (mifepristone) or any other drug prescribed for the purpose of inducing an abortion shall only be prescribed by a physician who at least twenty-four hours prior to the administration of the drug:

(1) Complies with all other legal requirements prior to an abortion being performed or induced;

(2) Physically examines the patient;

(3) Documents in the patient's medical record the gestational age and that there is not an ectopic pregnancy;

(4) Provides the patient with a copy of the United States Food and Drug Administration (FDA) approved label or labels for the drug or drugs that will be used to

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.

15 induce the abortion, regardless of whether the drug or drugs have been approved by the
16 FDA or the drug manufacturer to induce an abortion; and

17 (5) Gives the following warning orally and in writing to the patient if the drug or
18 drugs will be used off-label, which shall include use when the FDA or the drug
19 manufacturer has not approved the drug for the purpose of inducing an abortion, or use
20 other than by the specific gestation, dosage, or administration protocol authorized by the
21 FDA or the drug manufacturer for an abortion:

22 "WARNING: The drug or drugs that will be given to you to induce an abortion
23 HAVE NOT been approved by the United States Food and Drug Administration (FDA) or
24 the drug manufacturer to be used in this manner. There is risk to you and your unborn
25 child if you take any of these drugs. Please strongly consider other alternatives to abortion
26 before you take any of these drugs."

27 4. RU-486 (mifepristone) or any other drug administered for the purpose of
28 inducing an abortion, including any drug administered during a subsequent visit to
29 complete the abortion shall only be administered in a hospital or in an abortion facility.
30 The abortion facility shall also be licensed as an ambulatory surgical center under sections
31 197.200 to 197.240 if any second- or third-trimester abortions or five or more first-
32 trimester abortions per month are induced at the facility.

33 5. RU-486 (mifepristone) or any other drug administered for the purpose of
34 inducing an abortion, including any drug administered during a subsequent visit to
35 complete the abortion, shall only be administered by:

36 (1) The physician who prescribed the drug or another physician acting under the
37 prescribing physician's authority, and who is in the physical presence of the patient; or

38 (2) The patient to administer to herself, at the direction of and while in the physical
39 presence of the physician.

40 6. Due to a significant number of drug-induced abortions later requiring surgical
41 intervention and consistent with the provisions of section 188.080, no physician shall
42 prescribe or administer RU-486 (mifepristone) or any other drug administered for the
43 purpose of inducing an abortion unless the physician:

44 (1) Has clinical privileges at a hospital which offers obstetrical or gynecological
45 care located within thirty miles of the location at which the abortion is induced; and

46 (2) Such clinical privileges allow the physician to perform surgical intervention,
47 including but not limited to surgical abortion, at such hospital.

48 7. If a patient who was administered RU-486 (mifepristone) or any other drug
49 administered for the purpose of inducing an abortion decides to carry her unborn child to
50 term before the abortion is completed, the patient shall be immediately referred to another

51 **physician who did not prescribe or administer the drug or drugs so the patient can receive**
52 **medical assistance for herself and her unborn child.**

53 **8. Due to malformations or other birth defects which can occur in a child who**
54 **survives an attempted abortion and is born alive after the administration of RU-486**
55 **(mifepristone) or other drugs, and due to the cost of caring for such child throughout his**
56 **or her lifetime may otherwise fall on the state, any physician who prescribes or administers**
57 **RU-486 (mifepristone) or any other drug for the purpose of inducing an abortion shall, in**
58 **addition to complying with the medical malpractice requirements of section 188.043, obtain**
59 **a tail or occurrence-based insurance policy of at least three million dollars per occurrence**
60 **and nine million dollars in the aggregate per year for damages for personal injury to or**
61 **death of the child who is born alive.**

62 **9. (1) Any person who violates the provisions of subsection 2 of this section is guilty**
63 **of a class C felony; except that, any person who prescribes or administers any drug for the**
64 **purpose of inducing an abortion on another person without the other person's knowledge**
65 **or consent is guilty of a class B felony.**

66 **(2) Any person who violates any provision of subsections 3 to 8 of this section is**
67 **guilty of a class A misdemeanor.**