

HCS HB 1192 -- ABORTION (Miller)

COMMITTEE OF ORIGIN: Committee on Health Care Policy

Currently, no person is permitted to knowingly perform an abortion on a minor unless the attending physician has secured the informed written consent of the minor and one parent or guardian of the minor. This bill requires the consenting parent or guardian of the minor to notify any other custodial parent or guardian in writing at least five days prior to the abortion being performed.

A custodial parent does not include a parent who has been convicted of sexual abuse or a sexual offense against a minor, physical assault of a minor, a person against whom an order of protection has been entered, or a parent whose custodial or parental rights have been terminated by a court of competent jurisdiction.

The bill specifies that the constitutions and laws of the United States and Missouri must be interpreted, construed, applied, and enforced to fully protect the rights of an alternatives-to-abortion agency and its officers, agents, employees, and volunteers to freely assemble and to freely engage in religious practices and speech without governmental interference.

The bill defines "alternatives-to-abortion agency" as:

- (1) A maternity home as defined in Section 135.600, RSMo;
- (2) A pregnancy resource center as defined in Section 135.630; or
- (3) An agency or entity that has the primary purpose of providing services or counseling to pregnant women to assist them in carrying their unborn children to term instead of having abortions and to assist the women in caring for their dependent children or placing their children for adoption.

A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any measure that adversely affects an alternatives-to-abortion agency or its officers, agents, employees, or volunteers' assembly, religious practices, or speech. These provisions cannot preclude or preempt a political subdivision from exercising its lawful authority to regulate zoning or land use or to enforce a building or fire code regulation if the alternatives-to-abortion agency is treated in the same manner as a similarly situated agency and that the authority is not used to circumvent the intent of these provisions.

A court may order injunctive relief, recovery of damages, or both, as well as payment of reasonable attorney fees, costs, and expenses

to enforce these provisions.