

SECOND REGULAR SESSION

HOUSE BILL NO. 2068

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKLIN.

5586H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 188.036, RSMo, and to enact in lieu thereof one new section relating to prohibited activities regarding fetal remains, with penalty provisions.

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

Section A. Section 188.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.036, to read as follows:

188.036. 1. No physician shall perform an abortion on a woman if the physician knows that the woman conceived the unborn child for the purpose of providing fetal organs or tissue for medical transplantation to herself or another, and the physician knows that the woman intends to procure the abortion to utilize those organs or tissue for such use for herself or another.

2. No person shall utilize the fetal organs or tissue resulting from an abortion for medical transplantation, if the person knows that the abortion was procured for the purpose of utilizing those organs or tissue for such use.

3. No person shall offer any inducement, monetary or otherwise, to a woman or a prospective father of an unborn child for the purpose of conceiving an unborn child for the medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

4. No person shall offer any inducement, monetary or otherwise, to the mother or father of an unborn child for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

5. **No person shall knowingly donate or make an anatomical gift of the fetal organs or tissue resulting from an abortion to any person or entity for medical, scientific, experimental, therapeutic, or any other use.**

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.

17 **6.** No person shall knowingly offer or receive any valuable consideration for the fetal
18 organs or tissue resulting from an abortion, provided that nothing in this subsection shall prohibit
19 payment for burial or other final disposition of the fetal remains **so long as the final disposition**
20 **does not include any donation or anatomical gift of fetal organs or tissue**, or payment for a
21 pathological examination, autopsy or postmortem examination of the fetal remains.

22 [6.] **7.** If any provision in this section or the application thereof to any person,
23 circumstance or period of gestation is held invalid, such invalidity shall not affect the provisions
24 or applications which can be given effect without the invalid provision or application, and to this
25 end the provisions of this section are declared severable.

26 **8.** Any person who violates the provisions of subsection 3, 4, 5, or 6 of this section
27 shall be guilty of a class C felony and the court may impose a fine in an amount not less
28 than twice the amount of any valuable consideration received.

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