

HB 1953 -- ABORTION

SPONSOR: Swan

This bill makes numerous changes to existing statutes relating to abortion, including donation of fetal tissue, pathology tissue reports, physician privileges, ambulatory surgical center licensing procedures, and inspections of abortion facilities.

DONATION OF FETAL TISSUE (Section 188.036, RSMo)

These provisions prohibit a mother, father, or any other person from knowingly donating or making an anatomical gift of the fetal organs and tissue resulting from an abortion to any person or entity for medical, scientific, experimental, therapeutic, or any other use.

TISSUE REPORTS (Section 188.047)

Currently, a representative sample of tissue removed at the time of abortion is sent to a pathologist for examination. These provisions requires that all tissue removed at the time of abortion be sent to the pathologist. Additionally, all tissue reports issued by the pathologist must contain a certification that all submitted tissue has been disposed of in accordance with state law. These provisions require the Department of Health and Senior Services, beginning January 1, 2017, to make an annual report to the General Assembly. The report must include the following for each abortion procedure reported to the department the previous calendar year:

- (1) The termination procedure used and a clinical estimation of gestation;
- (2) Whether the department received the tissue report for that abortion, along with a certification of the disposal of the remains; and
- (3) The existence and nature, if any, of any inconsistencies or concerns between the physician's abortion report to the department and the pathologist's submitted tissue report.

PHYSICIAN PRIVILEGES (Section 188.080)

Currently, any physician performing or inducing an abortion must have clinical privileges at a hospital which offers obstetrical or gynecological care located within 30 miles of the location at which the abortion is performed or induced. The provisions of the bill changes that requirement to instead require the physician to have

surgical and admitting privileges at such hospital.

AMBULATORY SURGICAL CENTER LICENSING (Section 197.215)

These provisions prohibit the department from issuing or renewing an ambulatory surgical center license unless the applicant meets the requirements of any applicable state or federal law or regulation. Additionally, the department must not waive this requirement as a condition of any litigation, settlement, or any other agreement.

ABORTION FACILITY INSPECTIONS (Section 197.230)

These provisions require the department to conduct annual, unannounced, on-site inspections and investigations of abortion facilities. These inspections must, at a minimum, include the following areas:

- (1) Compliance with all statutory and regulatory requirements for an ambulatory surgical center;
- (2) Compliance with the requirement that all tissue removed at the time of an abortion be submitted to a pathologist and that the resultant tissue report be made a part of the patient's permanent record;
- (3) Review patient records to ensure that no consent forms or other documentation authorizes any utilization of fetal organs or tissue in violation of state law; and
- (4) Compliance with state law prohibiting the use of public funds, facilities, and employees to perform or assist a prohibited abortion or to encourage or counsel a woman to have a prohibited abortion.

Additionally, the inspection and investigation reports must be available to the public, provided that information not subject to disclosure under the law be redacted.

This bill is the same as SB 644 (2016).