

HB 2371 -- ABORTION

SPONSOR: Koenig

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 7 to 3.

Current law prohibits the procurement or inducement of an abortion or the conception of an unborn child for the purpose of obtaining fetal organs or tissue and prohibits the sale of fetal organs or tissue. This bill makes a violation of these provisions a class C felony and permits the court to impose a fine in an amount not less than twice the amount of any valuable consideration received in violation of these provisions.

Currently, only a representative sample of tissue removed at the time of abortion must be sent to a pathologist. The bill requires all tissue removed at the abortion to be sent to a pathologist and ensured as nonhazardous in compliance with the regulations of the Department of Natural Resources. The pathology report must indicate if all fetal tissue was received that would be common for a specimen of such gestational age, include detailed gross findings of what was received including the percent blood clot and percent tissue, and include a gross diagnosis.

Each fetal tissue specimen must be given a unique identification number to allow the specimen to be tracked from the abortion facility or hospital where the abortion was performed to the pathology lab and its final disposition location. A report must be created and submitted as specified in the bill and must document the date the specimen was collected, transported, received, and disposed, if applicable. The department must pair each notice of abortion with its corresponding pathology report. If the department does not receive both reports, the department must investigate and if the department finds the facility where the abortion was performed is not in compliance with these provisions, the department must consider such noncompliance a deficiency requiring an unscheduled inspection of the facility to ensure remediation. All reports and information received by the department under these provisions must be included in an annual report to the General Assembly.

The department must inspect all ambulatory surgical centers operated for the purpose of performing or inducing abortions a minimum twice annually, once announced and once unannounced, as specified in the bill. Inspection and investigation reports must be made available to the public and may be redacted to prevent disclosure of information not permitted for disclosure under the law.

PROponents: Supporters say that the legislation helps to ensure compliance with the law and ensures documentation of such compliance. No one is harmed and no research is prevented by not conducting research using fetal tissue. If you don't make fetal tissue available to scientists, they'll find alternatives. Fetal tissue is not the only option for research to discover new treatments and cures. There has been a significant absence of accountability and lack of concern by those involved in the bad acts depicted in the videos from this past summer. The legislation attempts to bring accountability and dignity to Missouri. Women shouldn't have to worry about their doctors changing a procedure to get more intact tissue. Supporters say they cannot stop abortions but they can give dignity to these little babies.

Testifying for the bill were Representative Koenig; James L. Sherley, M.D., Ph.D.; Campaign Life Missouri; Americans United For Life; Missouri Family Network; Mary Maschmeier, Defenders Of The Unborn; Jim Marcum; Rebecca Zaer Rafie; Wendy Curtis; BettyAnn Wood; Robert McNutt; Missouri Right To Life; Kathleen A. Forck; Concerned Women For America Of Missouri; Joanna Schrader; Bonnie Lee; and the Missouri Catholic Conference.

OPponents: Those who oppose the bill say that fetal tissue research has played an important role in public health history. Bans on cutting edge research tell the medical community that lifesaving treatments are not valued in Missouri. The requirement that all tissue be sent to a pathologist would prevent physicians from doing genetic testing for fetal anomalies or DNA testing for victims of rape. Fetal tissue has been used to help convict rapists. The regulation of medicine should be guided by scientific best practices and not political ideologies. Thirty-eight states and the District of Columbia permit the donation of fetal tissue for research purposes. The legislation treats abortion as an incredibly dangerous procedure when in reality it is safer than a colonoscopy.

Testifying against the bill were Tenaya Drapkin; Planned Parenthood Advocates in Missouri; Stacy Sherrod; Jaclyn Grentzer, M.D., MSCL; Julia Lange; ACLU Of Missouri; Dina van der Zalm; Naral Pro-Choice Missouri; Christine Fouts; Elizabeth Vonderahe; R. Lear; Alaina Smith; Rowan Walker; Tim Williams; Rebecca Wise; Ann Wade; Cara Cheevers; Connie Ordway; Ruth Milledge; Margaret O'Hara; Payton Stringer; Gertrude Friswold; and Vera Schulte.