

SECOND EXTRAORDINARY SESSION
HOUSE BILL NO. 7

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FRANKLIN.

2507H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 188.047, RSMo, and to enact in lieu thereof one new section relating to abortion, with an emergency clause.

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

Section A. Section 188.047, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.047, to read as follows:

188.047. ~~[A representative sample of]~~ **1. All organs and tissue** removed at the time of abortion shall be submitted to a board eligible or certified pathologist~~[, who]~~ **for gross and histopathological examination. The pathologist** shall file a copy of the **organs and tissue** report with the state department of health and senior services~~;~~ and ~~[who]~~ shall provide a copy of the report to the abortion facility or hospital in which the abortion was performed or induced ~~[and]~~. The pathologist's report shall be made a part of the patient's permanent record.

2. The organs and tissue report shall include:

(1) The pathologist's estimation, to a reasonable degree of scientific certainty, of the gestational age of the organs and tissue;

(2) Whether all organs and tissue were received that would be common for a specimen of such estimated gestational age and the method of abortion;

(3) If the pathologist finds that all organs and tissue were not received, what portion of the organs and tissue were not received, considering the estimated gestational age and method of abortion;

(4) A gross diagnosis and detailed gross findings of what was received including the percent blood clot and the percent tissue;

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 (5) The date the organs and tissue were remitted to be disposed and the location of
18 such disposal;

19 (6) A certification that all submitted organs and tissue have been disposed in
20 accordance with state and federal laws and regulations, including the federal Clinical
21 Laboratory Improvement Amendments (CLIA); and

22 (7) The name of the entity and physical address of the entity conducting the
23 examination of the specimen containing the organs and tissue.

24 3. Each specimen containing organs and tissue shall be given a unique identification
25 number to allow the specimen to be tracked from the abortion facility or hospital where
26 the abortion was performed or induced to the pathology lab and to its final disposition
27 location. The unique identification number shall be conspicuously adhered to the exterior
28 of the specimen container.

29 4. A report shall be created and submitted to the department for each specimen
30 containing organs and tissue at each facility that handles the specimen, including the
31 abortion facility or hospital where the abortion was performed or induced, the pathology
32 lab under subsection 2 of this section, and the location of final disposition. Each report
33 shall document, if applicable, the date the specimen containing organs and tissue was
34 collected, transported, received, and disposed, and certify that the specimen was disposed
35 of in accordance with state and federal laws and regulations, including CLIA. The report
36 by the location of final disposition shall verify that all organs and tissue were received and
37 have been properly disposed according to state and federal laws and regulations. The
38 requirements of this subsection shall not apply to funeral establishments, as defined in
39 section 333.011.

40 5. The department shall reconcile each notice of abortion with its corresponding
41 organs and tissue report. If the department does not receive the notice of abortion or the
42 organs and tissue report, the department shall conduct an investigation. If the department
43 finds that the abortion facility or hospital where the abortion was performed or induced
44 was not in compliance with the provisions of this section, the department shall consider
45 such noncompliance a deficiency requiring an unscheduled inspection of the facility to
46 ensure the deficiency is remedied. If such deficiency is not remedied, the department shall
47 suspend the abortion facility's or hospital's license for no less than one year, subject to the
48 provisions of chapter 197 regarding license suspensions, reviews, and appeals.

49 6. Beginning January 1, 2018, the department shall make an annual report to the
50 general assembly. The report shall include, but not be limited to, all reports and
51 information received by the department under the provisions of this section, the number
52 of any deficiencies of each abortion facility in the calendar year and whether such

53 deficiencies were remedied, and the following for each abortion procedure reported to the
54 department the previous calendar year:

55 (1) The termination procedure used with a clinical estimation of gestation;

56 (2) Whether the department received the organs and tissue report for that abortion,
57 along with a certification of the disposal of the organs and tissue; and

58 (3) The existence and nature, if any, of any inconsistencies or concerns between the
59 abortion report submitted under section 188.052 and the organs and tissue report
60 submitted under this section.

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62 The report shall not contain any personal patient information, the disclosure of which is
63 prohibited by state or federal law.

64 7. All reports provided by the department to the general assembly under this
65 section shall maintain confidentiality of all personal information of patients, facility
66 personnel, and facility physicians.

Section B. Because of the immediate need to protect the right to life of persons in this
2 state, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its
5 passage and approval.

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