

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 850, Page 1, Section A, Line 4, by  
2 inserting after all of said section and line the following:

3  
4 "188.030. 1. Except in the case of a medical emergency, no abortion of [~~a-viable~~] an unborn  
5 child shall be performed or induced once the unborn child's heartbeat is detectable, unless the  
6 abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a  
7 physical disorder, physical illness, or physical injury, including a life-endangering physical  
8 condition caused by or arising from the pregnancy itself, or when continuation of the pregnancy will  
9 create a serious risk of substantial and irreversible physical impairment of a major bodily function  
10 of the pregnant woman. For purposes of this section, "major bodily function" includes, but is not  
11 limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder,  
12 neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

13 2. Except in the case of a medical emergency:

14 (1) Prior to performing or inducing an abortion upon a woman, the physician shall  
15 [~~determine the gestational age~~] attempt to detect the heartbeat of the unborn child in a manner  
16 consistent with accepted obstetrical and neonatal practices and standards. In making such  
17 determination, the physician shall make such inquiries of the pregnant woman and perform or cause  
18 to be performed such medical examinations, imaging studies, and tests as a reasonably prudent  
19 physician, knowledgeable about the medical facts and conditions of both the woman and the unborn  
20 child involved, would consider necessary to perform and consider in making an [~~accurate diagnosis~~  
21 with respect to gestational age] attempt to detect the heartbeat of the unborn child;

22 (2) [~~If the physician determines that the gestational age of the unborn child is twenty weeks~~  
23 ~~or more, prior to performing or inducing an abortion upon the woman, the physician shall determine~~  
24 ~~if the unborn child is viable by using and exercising that degree of care, skill, and proficiency~~  
25 ~~commonly exercised by a skillful, careful, and prudent physician. In making this determination of~~  
26 ~~viability, the physician shall perform or cause to be performed such medical examinations and tests~~  
27 ~~as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn~~  
28 ~~child and shall enter such findings and determination of viability in the medical record of the~~  
29 ~~woman;~~

30 (3) [~~If the physician determines that the gestational age of the unborn child is twenty weeks~~  
31 ~~or more, and further determines that the unborn child is not viable and performs or induces an~~  
32 ~~abortion upon the woman, the physician shall report such findings and determinations and the~~  
33 ~~reasons for such determinations to the health care facility in which the abortion is performed and to~~  
34 ~~the state board of registration for the healing arts, and shall enter such findings and determinations~~  
35 ~~in the medical records of the woman and in the individual abortion report submitted to the~~  
36 ~~department under section 188.052;~~

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 ———(4) (a) If the physician determines that the unborn child [~~is viable~~] has a detectable  
2 heartbeat, the physician shall not perform or induce an abortion upon the woman unless the abortion  
3 is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will  
4 create a serious risk of substantial and irreversible physical impairment of a major bodily function  
5 of the woman.

6 (b) Before a physician may proceed with performing or inducing an abortion upon a woman  
7 when it has been determined that the unborn child [~~is viable~~] has a detectable heartbeat, the  
8 physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or  
9 the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and  
10 irreversible physical impairment of a major bodily function of the pregnant woman. Upon  
11 completion of the abortion, the physician shall report the reasons and determinations for the  
12 abortion of [~~a viable~~] an unborn child with a detectable heartbeat to the health care facility in which  
13 the abortion is performed and to the state board of registration for the healing arts, and shall enter  
14 such findings and determinations in the medical record of the woman and in the individual abortion  
15 report submitted to the department under section 188.052.

16 (c) Before a physician may proceed with performing or inducing an abortion upon a woman  
17 when it has been determined that the unborn child [~~is viable~~] has a detectable heartbeat, the  
18 physician who is to perform the abortion shall obtain the agreement of a second physician with  
19 knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the  
20 abortion is necessary to preserve the life of the pregnant woman, or that continuation of the  
21 pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major  
22 bodily function of the pregnant woman. This second physician shall also report such reasons and  
23 determinations to the health care facility in which the abortion is to be performed and to the state  
24 board of registration for the healing arts, and shall enter such findings and determinations in the  
25 medical record of the woman and the individual abortion report submitted to the department under  
26 section 188.052. The second physician shall not have any legal or financial affiliation or  
27 relationship with the physician performing or inducing the abortion, except that such prohibition  
28 shall not apply to physicians whose legal or financial affiliation or relationship is a result of being  
29 employed by or having staff privileges at the same hospital as the term “hospital” is defined in  
30 section 197.020.

31 (d) Any physician who performs or induces an abortion upon a woman when it has been  
32 determined that the unborn child [~~is viable~~] has a detectable heartbeat shall utilize the available  
33 method or technique of abortion most likely to preserve the life or health of the unborn child. In  
34 cases where the method or technique of abortion most likely to preserve the life or health of the  
35 unborn child would present a greater risk to the life or health of the woman than another legally  
36 permitted and available method or technique, the physician may utilize such other method or  
37 technique. In all cases where the physician performs an abortion upon [~~a viable~~] an unborn child  
38 with a detectable heartbeat, the physician shall certify in writing the available method or techniques  
39 considered and the reasons for choosing the method or technique employed.

40 (e) No physician shall perform or induce an abortion upon a woman when it has been  
41 determined that the unborn child [~~is viable~~] has a detectable heartbeat unless there is in attendance a  
42 physician other than the physician performing or inducing the abortion who shall take control of and  
43 provide immediate medical care for a child born as a result of the abortion. During the performance  
44 of the abortion, the physician performing it, and subsequent to the abortion, the physician required  
45 to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent  
46 with the procedure used, to preserve the life or health of the [~~viable~~] unborn child; provided that it  
47 does not pose an increased risk to the life of the woman or does not pose an increased risk of  
48 substantial and irreversible physical impairment of a major bodily function of the woman.

1           3. Any person who knowingly performs or induces an abortion of an unborn child in  
2 violation of the provisions of this section is guilty of a class D felony, and, upon a finding of guilt or  
3 plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the  
4 provisions of section 558.002, shall be fined not less than ten thousand nor more than fifty thousand  
5 dollars.

6           4. Any physician who pleads guilty to or is found guilty of performing or inducing an  
7 abortion of an unborn child in violation of this section shall be subject to suspension or revocation  
8 of his or her license to practice medicine in the state of Missouri by the state board of registration  
9 for the healing arts under the provisions of sections 334.100 and 334.103.

10          5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of an  
11 unborn child to be performed or induced in violation of this section may be subject to suspension or  
12 revocation of its license under the provisions of section 197.070.

13          6. Any abortion facility licensed in the state of Missouri that knowingly allows an abortion  
14 of an unborn child to be performed or induced in violation of this section may be subject to  
15 suspension or revocation of its license under the provisions of section 197.220.

16          7. A woman upon whom an abortion is performed or induced in violation of this section  
17 shall not be prosecuted for a conspiracy to violate the provisions of this section.

18          8. Nothing in this section shall be construed as creating or recognizing a right to abortion,  
19 nor is it the intention of this section to make lawful any abortion that is currently unlawful.

20          9. It is the intent of the legislature that this section be severable as noted in section 1.140.  
21 In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this section  
22 be declared invalid under the Constitution of the United States or the Constitution of the State of  
23 Missouri, it is the intent of the legislature that the remaining provisions of this section remain in  
24 force and effect as far as capable of being carried into execution as intended by the legislature.

25          10. The general assembly may, by concurrent resolution, appoint one or more of its  
26 members who sponsored or co-sponsored this act in his or her official capacity to intervene as a  
27 matter of right in any case in which the constitutionality of this law is challenged."; and

28  
29 Further amend said bill by amending the title, enacting clause, and intersectional references  
30 accordingly.