

HB 1266 -- PAIN CAPABLE UNBORN CHILD PROTECTION

SPONSOR: Lichtenegger

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 7 to 1. Voted "Do Pass" by the Rules- Legislative Oversight Committee by a vote of 7 to 2.

This bill creates the "Pain Capable Unborn Child Protection Act" which specifies that no abortion may be performed or induced, or attempted to be performed or induced if the probable gestational age of the fetus has been determined by a physician to have reached the pain capable gestational age, unless it is necessary to avert the patient's death or serious risk of substantial and irreversible physical impairment of a major bodily function. The physician must terminate such pregnancy in a manner which provides the best opportunity for the fetus to survive unless doing so would pose a greater risk of death or substantial and irreversible physical impairment of a major bodily function to the patient.

Any physician who performs or induces an abortion shall report certain information, as specified in the bill, to the Department of Health and Senior Services. Beginning June 30, 2019, the department must issue a statistical report of reported information during the previous calendar year.

Any physician or other licensed medical practitioner who intentionally or recklessly performs or induces an abortion in violation of this bill is subject to discipline from the appropriate licensure board.

This bill is the same as HCS HB 908 & 757 (2017).

PROPOSERS: Supporters say that there is scientific evidence that a fetus can feel pain at 22 weeks gestational age and that abortion at or after this age is painful for the fetus. Changing public opinion supports a 22 week gestational age abortion ban.

Testifying for the bill were Representative Lichtenegger; Concerned Women for America; Missouri Right to Life; Dr. Kathi A. Aultman, MD FACOG, Charlotte Lozier Institute; Kristi Burton Brown, Charlotte Lozier Institute; Missouri Catholic Conference; Campaign Life Missouri; and Joanne M. Schrader.

OPPOSERS: Those who oppose the bill say that if there is an issue with the development of the fetus, it is more humane to allow the fetus to be aborted peacefully and painlessly instead of being born into a short life of pain. They also say that this bill is unconstitutional.

Testifying against the bill were Naral Pro-Choice Missouri; Rachel Goldberg; Kadie Tannehill; Sara Baker, ACLU of Missouri; American Congress of Obstetricians; Planned Parenthood Advocates in Missouri; and Robin Utz.