

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 126, Page 8, Section 188.027, Line 215, by inserting after said line the
2 following:

3
4 "188.043. 1. No person shall perform or induce [~~a surgical or medical~~] an abortion on
5 another unless such person has [proof of] medical malpractice insurance with coverage amounts of
6 at least [five hundred thousand dollars] one million dollars per occurrence and three million dollars
7 in the annual aggregate.

8 2. For the purpose of this section, "medical malpractice insurance" means insurance
9 coverage against the legal liability of the insured and against loss, damage, or expense incident to a
10 claim arising out of the death or injury of any person as a result of the negligence or malpractice in
11 rendering professional service by any health care provider.

12 3. No abortion facility or hospital shall employ or engage the services of a person to perform
13 [~~one or more abortions~~] or induce an abortion on another if the person does not have [~~proof of~~]
14 medical malpractice insurance pursuant to this section, except that the abortion facility or hospital
15 may provide medical malpractice insurance for the services of persons employed or engaged by
16 such facility or hospital which is no less than the coverage amounts set forth in this section.

17 4. Notwithstanding the provisions of section 334.100, failure of a person to maintain the
18 medical malpractice insurance required by this section shall be an additional ground for sanctioning
19 of a person's license, certificate, or permit.

20 188.044. 1. When a drug or chemical, or combination thereof, used by a physician to induce
21 an abortion carries a warning from its manufacturer or distributor, a peer-reviewed medical journal
22 article, or a Food and Drug Administration label, that its use may cause birth defects in a child who
23 survives the abortion, then in addition to the requirements of section 188.043, that physician shall
24 also carry tail insurance with coverage amounts of at least one million dollars per occurrence and
25 three million dollars in the annual aggregate for personal injury to or death of a child who survives
26 such abortion. Such policy shall be maintained in force or be in effect as required under section
27 516.105.

28 2. For the purpose of this section, "tail insurance" means insurance which covers the legal
29 liability of the insured once a medical malpractice insurance policy is cancelled, not renewed, or
30 terminated, and covers claims made after such cancellation or termination for acts occurring during
31 the period the prior medical malpractice insurance was in effect.

32 3. No abortion facility or hospital shall employ or engage the services of a person to induce
33 an abortion on another using any drug or chemical, or combination thereof, which may cause birth
34 defects if the person does not have tail insurance pursuant to this section, except that the abortion
35 facility or hospital may provide tail insurance for the services of persons employed or engaged by
36 such facility or hospital which is no less than the coverage amounts and duration set forth in this

Action Taken _____ Date _____

1 section.

2 4. Notwithstanding the provisions of section 334.100, failure of a person to maintain the tail
3 insurance required by this section shall be an additional ground for sanctioning of a person's license,
4 certificate, or permit."; and

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6 Further amend said bill by amending the title, enacting clause, and intersectional references
7 accordingly.