

FIRST REGULAR SESSION

HOUSE BILL NO. 536

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORGAN.

0707H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 188.015, RSMo, and to enact in lieu thereof one new section relating to the respect women's abortion decisions act.

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

Section A. Section 188.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.015, to read as follows:

188.015. **1.** As used in this chapter, the following terms mean:

(1) "Abortion" [~~:-~~

~~— (a) The act of using or prescribing any instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother's womb; or~~

~~— (b) The intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child] , **any medical treatment intended to induce the termination of a pregnancy except for the purpose of producing a live birth;**~~

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Department", the department of health and senior services;

(5) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

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 (6) "Medical emergency", a condition which, based on reasonable medical judgment, so
18 complicates the medical condition of a pregnant woman as to necessitate the immediate abortion
19 of her pregnancy to avert the death of the pregnant woman or for which a delay will create a
20 serious risk of substantial and irreversible physical impairment of a major bodily function of the
21 pregnant woman;

22 (7) "Physician", any person licensed to practice medicine in this state by the state board
23 of registration for the healing arts;

24 (8) "Reasonable medical judgment", a medical judgment that would be made by a
25 reasonably prudent physician, knowledgeable about the case and the treatment possibilities with
26 respect to the medical conditions involved;

27 (9) [~~"Unborn child", the offspring of human beings from the moment of conception until~~
28 ~~birth and at every stage of its biological development, including the human conceptus, zygote,~~
29 ~~morula, blastocyst, embryo, and fetus;~~

30 ~~————(10)] "Viability" [or "viable", that stage of fetal development when the life of the unborn~~
31 ~~child may be continued indefinitely outside the womb by natural or artificial life-supportive~~
32 ~~systems] , **the point in a pregnancy when, in the good faith medical judgment of a**
33 **physician, or the particular facts of the case before that physician, there is a reasonable**
34 **likelihood of the fetus's sustained survival outside the uterus without the application of**
35 **extraordinary medical measures.**~~

36 **2. The state shall not deny a woman's right to obtain an abortion as established by**
37 **the United States Supreme Court in the decision *Roe v. Wade*, 410 U.S. 113 (1973).**
38 **Notwithstanding any law to the contrary, the state shall protect a woman's right to**
39 **terminate a pregnancy prior to viability of the fetus or if necessary to protect a woman's**
40 **life or health as determined by a licensed physician.**

41 **3. No prosecution or proceeding shall be brought or maintained under state**
42 **criminal law or otherwise for acts that are authorized or permitted under this section.**

43 **4. The provisions of this section shall be severable, and if any phrase, clause,**
44 **sentence, or provision is declared to be invalid or is preempted by federal law or**
45 **regulations, the validity of the remainder of this section shall not be affected.**

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