

SECOND REGULAR SESSION

HOUSE BILL NO. 1523

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHAWAN.

4084H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 188.036, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

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

Section A. Section 188.036, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 188.036, 188.127, and 227.225, to read as follows:

188.036. 1. No physician shall perform an abortion on a woman if the physician knows that the woman conceived the unborn child for the purpose of providing fetal organs or tissue for medical transplantation to herself or another, and the physician knows that the woman intends to procure the abortion to utilize those organs or tissue for such use for herself or another.

2. No person shall utilize the fetal organs or tissue resulting from an abortion for medical transplantation, if the person knows that the abortion was procured for the purpose of utilizing those organs or tissue for such use.

3. No person shall offer any inducement, monetary or otherwise, to a woman or a prospective father of an unborn child for the purpose of conceiving an unborn child for the medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

4. No person shall offer any inducement, monetary or otherwise, to the mother or father of an unborn child for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

5. No person shall knowingly offer or receive any valuable consideration for the fetal organs or tissue resulting from an abortion, provided that nothing in this subsection shall prohibit payment for burial or other final disposition of the fetal remains, or payment for a pathological examination, autopsy or postmortem examination of the fetal remains.

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.

18 **6. Notwithstanding any other provision of law to the contrary, any person who**
19 **violates the provisions of this section shall be guilty of a class E felony, as well as subject**
20 **to suspension or revocation of his or her professional license by his or her professional**
21 **licensing board.**

22 **7. If any provision in this section or the application thereof to any person, circumstance**
23 **or period of gestation is held invalid, such invalidity shall not affect the provisions or**
24 **applications which can be given effect without the invalid provision or application, and to this**
25 **end the provisions of this section are declared severable.**

188.127. 1. In accordance with the provisions of sections 188.010 and 188.125, the
2 **state of Missouri shall serve as a "sanctuary for life" state.**

3 **(1) No woman shall be coerced or compelled by pressure or threat, physical or**
4 **otherwise, to undergo an abortion in this state without her consent.**

5 **(2) No individual or entity shall transport or arrange to transport a woman across**
6 **state lines for the purpose of obtaining an abortion without the woman's consent.**

7 **(3) No law enforcement official or other government official shall aid or otherwise**
8 **comply with a request from another individual or entity inside or outside of the state to**
9 **coerce or compel a woman to have an abortion without her consent.**

10 **(4) No health care provider shall perform or induce or assist in the performance**
11 **or induction of an abortion without the woman's consent.**

12 **(5) No political subdivision of this state shall enact, adopt, maintain, or enforce any**
13 **order, ordinance, rule, regulation, policy, or other similar measure that has the purpose**
14 **or effect of discriminating against a woman who chooses not to undergo an abortion or that**
15 **has the purpose or effect of promoting any action otherwise prohibited under this section.**

16 **2. The department shall develop a website containing information on Missouri's**
17 **status as a "sanctuary for life" state and the protections and resources offered by the state**
18 **to promote such sanctuary status including, but not limited to, the following:**

19 **(1) The policies and prohibitions set forth in this section;**

20 **(2) A summary of Missouri's abortion laws and regulations;**

21 **(3) Missouri's informed consent informational materials developed under section**
22 **188.027;**

23 **(4) Information on public and private agencies available, on a geographic basis, to**
24 **assist a woman in carrying her unborn child to term and to assist her in caring for her**
25 **dependent child or placing her child for adoption, including pregnancy resource centers,**
26 **crisis pregnancy centers, maternity homes, and adoption agencies, provided that such**
27 **information shall not include any programs, services, organizations, or affiliates of**

28 organizations that perform or induce, or assist in the performance or induction of
29 abortions or that refer for abortions; and

30 (5) Information on programs and services available to pregnant women and
31 mothers of newborn children offered by public or private agencies that assist a woman in
32 carrying her unborn child to term and assist her in caring for her dependent child or
33 placing her child for adoption, including prenatal care; maternal health care; newborn or
34 infant care; mental health services; professional counseling services; housing programs;
35 utility assistance; transportation services; food, clothing, and supplies related to
36 pregnancy; parenting skills; educational programs; job training and placement services;
37 drug and alcohol testing and treatment; and adoption assistance.

38 3. In any action to enforce the provisions of this section, a court of competent
39 jurisdiction may order injunctive or other equitable relief, recovery of damages, or other
40 legal remedies, or both, as well as payment of reasonable attorney's fees, costs, and
41 expenses. The relief and remedies set forth shall not be deemed exclusive and shall be in
42 addition to any other relief or remedies permitted by law.

43 4. In addition to a private cause of action by a person whose rights are violated
44 contrary to the provisions of this section, the attorney general is also authorized to bring
45 a cause of action to defend the rights guaranteed under this section.

46 5. It shall be an affirmative defense for any person alleged to have violated the
47 provisions of subsection 1 of this section that the person performed or induced, or assisted
48 in the performance or induction of, an abortion or transported or arranged to transport
49 a woman across state lines for the purpose of obtaining an abortion because of a medical
50 emergency. The defendant shall have the burden of persuasion that the defense is more
51 probably true than not.

227.225. The department of transportation shall erect and maintain appropriate
2 signage affirming the state's status as a "sanctuary for life" state. The department may
3 collaborate with the department of health and senior services to design the signs. The
4 highways and transportation commission shall determine the number and placement of the
5 signs, subject to appropriations; provided that such signs be evenly distributed throughout
6 the state and located, at a minimum, along major highways or interstates on the state's
7 borders.

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