

SECOND REGULAR SESSION

SENATE BILL NO. 802

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 10, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5196S.02I

AN ACT

To repeal sections 188.015 and 188.052, RSMo, and to enact in lieu thereof three new sections relating to a ban on abortions for Down Syndrome.

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

Section A. Sections 188.015 and 188.052, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 188.015, 188.038,
3 and 188.052, to read as follows:

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

2 (1) "Abortion":

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

6 (b) The intentional termination of the pregnancy of a mother by using or
7 prescribing any instrument, device, medicine, drug, or other means or substance
8 with an intention other than to increase the probability of a live birth or to
9 remove a dead or dying unborn child;

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

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

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

15 (5) "**Down Syndrome**", **the same meaning as defined in section**
16 **191.923;**

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 [(6)] (7) "Medical emergency", a condition which, based on reasonable
20 medical judgment, so complicates the medical condition of a pregnant woman as
21 to necessitate the immediate abortion of her pregnancy to avert the death of the
22 pregnant woman or for which a delay will create a serious risk of substantial and
23 irreversible physical impairment of a major bodily function of the pregnant
24 woman;

25 [(7)] (8) "Physician", any person licensed to practice medicine in this
26 state by the state board of registration for the healing arts;

27 [(8)] (9) "Reasonable medical judgment", a medical judgment that would
28 be made by a reasonably prudent physician, knowledgeable about the case and
29 the treatment possibilities with respect to the medical conditions involved;

30 [(9)] (10) "Unborn child", the offspring of human beings from the moment
31 of conception until birth and at every stage of its biological development,
32 including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

33 [(10)] (11) "Viability" or "viable", that stage of fetal development when
34 the life of the unborn child may be continued indefinitely outside the womb by
35 natural or artificial life-supportive systems.

188.038. 1. No person shall perform or induce an abortion on a
2 **woman if the person knows that the woman is seeking the abortion**
3 **solely because of a prenatal diagnosis, test, or screening indicating**
4 **Down Syndrome or the potential of Down Syndrome in an unborn child.**

5 **2. Any physician or other person who performs or induces or**
6 **attempts to perform or induce an abortion prohibited by this section**
7 **shall be subject to all applicable civil and criminal penalties under this**
8 **chapter, including but not limited to, sections 188.065, 188.075, and**
9 **188.085.**

 188.052. 1. An individual abortion report for each abortion performed or
2 induced upon a woman shall be completed by her attending physician.

3 2. An individual complication report for any post-abortion care performed
4 upon a woman shall be completed by the physician providing such post-abortion
5 care. This report shall include:

6 (1) The date of the abortion;

7 (2) The name and address of the abortion facility or hospital where the
8 abortion was performed;

9 (3) The nature of the abortion complication diagnosed or treated; **and**

10 **(4) Certification that the attending physician does not have any**

11 **knowledge that the woman sought the abortion solely because of a**
12 **prenatal diagnosis, test, or screening indicating Down Syndrome or the**
13 **potential of Down Syndrome in an unborn child.**

14 3. All abortion reports shall be signed by the attending physician, and
15 submitted to the state department of health and senior services within forty-five
16 days from the date of the abortion. All complication reports shall be signed by
17 the physician providing the post-abortion care and submitted to the department
18 of health and senior services within forty-five days from the date of the
19 post-abortion care.

20 4. A copy of the abortion report shall be made a part of the medical record
21 of the patient of the facility or hospital in which the abortion was performed.

22 5. The state department of health and senior services shall be responsible
23 for collecting all abortion reports and complication reports and collating and
24 evaluating all data gathered therefrom and shall annually publish a statistical
25 report based on such data from abortions performed in the previous calendar
26 year.

Bill ✓

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