

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 2
93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Offered April 19, 2005.

Senate Substitute adopted, April 19, 2005.

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0424S.09P

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 188.010, 188.015, 188.025, 188.052, 188.055, 188.070, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof eighteen new sections relating to abortion and alternatives to abortion services, with penalty provisions.

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

Section A. Sections 188.010, 188.015, 188.025, 188.052, 188.055, 188.070, 188.075, 188.080, and 197.200, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 33.900, 135.630, 135.631, 160.068, 188.010, 188.015, 188.025, 188.031, 188.052, 188.055, 188.070, 188.075, 188.080, 188.250, 188.300, 188.305, 197.200, and 301.3030, to read as follows:

33.900. 1. As used in this section, the following terms shall mean:

(1) "Abortion services", include performing, inducing, or assisting with abortions as defined in section 188.015, RSMo, or encouraging patients to have abortions, or referring patients for abortions, not necessary to save the life of the mother, or development or dispensing of drugs, chemicals, or devices intended to be used to induce an abortion;

(2) "Health and social services program", any activity, program, or the furnishing of services for the purpose of preventing, supporting, alleviating, ameliorating, treating, curing, or healing any human condition, illness, injury, or disability, or to safeguard the health of people and ensure the prevention of any

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

type of disease, infection, or injury, the promotion of specific lifestyle, hygiene, and sanitary conditions, or to assist persons to provide for themselves and others and to assist those experiencing any social or physical condition or disadvantage, and including the furnishing of any sort of physical, health, medical, or dental assessment, care, counseling, education, or treatment, whether to individuals or groups of individuals; except that, health and social services programs shall not include a research project subject to the provisions of section 196.1127, RSMo;

(3) "Independent affiliate", an entity that provides abortion services that is affiliated with an entity that does not provide abortion services, is separately incorporated from the entity that does not provide abortion services, does not receive or share a direct or indirect economic or marketing benefit from such affiliation with the entity that does not provide abortion services, and does not share any of the following with the entity that does not provide abortion services, regardless of whether reimbursement is made for any expenditures associated with sharing the following:

- (a) The same name or similar names;
- (b) Medical or nonmedical facilities, including but not limited to business offices, laboratories, treatment, consultation, examination, and waiting rooms;
- (c) Expenses;
- (d) Employee wages or salaries; or
- (e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment, and office and medical supplies;

(4) "Nondirective pregnancy counseling", counseling related to pregnancy that does not include abortion services, but may include providing patients with information regarding providers of health care and social service programs, or otherwise providing information required by federal law;

(5) "Public funds", shall include:

(a) Any funds received or controlled by the state of Missouri or any official, department, division, agency, or political subdivision thereof, including but not limited to funds derived from federal, state, or local taxes, gifts or grants from any source, settlements of any claims or causes of action, public or private, bond proceeds, federal grants or payments, or intergovernmental transfers;

(b) Any funds received or controlled by any official, department, division, or agency of state government or political subdivision thereof, or granted or distributed to any other person or entity, pursuant to appropriation by the general assembly or the governing body of any political subdivision of this state.

2. Public funds shall not be expended, paid, or granted to or on behalf of an existing or proposed health and social services program to directly or indirectly

subsidize abortion services. To ensure that support is not lent in any manner to abortion services, and to ensure that an entity that provides abortion services does not receive a direct or indirect economic or marketing benefit from public funds expended in connection with any health and social services program:

(1) Public funds shall not be expended, paid, or granted in connection with any health and social services program to an entity that provides abortion services;

(2) An entity that does not provide abortion services may receive public funds in connection with any health and social services program if affiliated with an entity that provides abortion services, only if the affiliated entity that provides abortion services is an independent affiliate;

(3) An entity that provides counseling to pregnant persons in connection with a health and social services program receiving public funds shall only provide nondirective pregnancy counseling unless otherwise required pursuant to subsection 3 of this section;

(4) An entity that receives public funds in connection with any health and social services program shall not display or distribute marketing materials promoting abortion services;

(5) An entity that receives public funds in connection with any health and social services program shall maintain financial records that demonstrate strict compliance with this subsection;

(6) An independent audit of any entity that receives public funds in connection with any health and social services program shall be conducted at least once every three years, or sooner if required by any other provision of law or if directed by the governmental entity expending, paying, or granting the public funds, to ensure compliance with this subsection. If the recipient of the public funds is an affiliate of an entity that provides abortion services, an independent audit to ensure compliance with this subsection shall be conducted at least annually. The audit shall be conducted by:

(a) The state auditor; or

(b) An independent auditing firm retained by the governmental entity expending, paying, or granting the public funds; or

(c) An independent auditing firm approved by the governmental entity expending, paying, or granting the public funds and retained by the entity receiving public funds.

3. Notwithstanding the provisions of subsection 2 of this section, any entity:

(1) Eligible to receive reimbursements pursuant to Title XIX of the federal Social Security Act (42 U.S.C. Section 1396, et seq.) may be reimbursed for services

it has performed, for which the payment to such entity is otherwise prohibited pursuant to subsection 2 of this section, if reimbursement for such services is required pursuant to the federal act and the refusal to reimburse for such required services will result in the withholding of federal Medicaid funds to the state of Missouri. No state Medicaid plan shall be adopted by the state or submitted to the federal government that includes services that violate the provisions of subsection 2 of this section and are not mandated for state Medicaid plans by the federal Medicaid law, Title XIX of the Social Security Act, as amended;

(2) Receiving federal funds pursuant to Title X of the federal Public Health Services Act may perform services which are required pursuant to the federal act, but otherwise prohibited pursuant to subsection 2 of this section if:

(a) Specifically directed by the United States Secretary of Health and Human Services to perform such services by written order directed to the organization; and

(b) Such order is final and no longer subject to appeal; and

(c) The refusal to perform such required services will result in the withholding of federal funds to said organization.

Federal statutory or regulatory provisions or guidelines of general application shall not constitute such written order as described herein.

135.630. 1. As used in this section, the following terms shall mean:

(1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) Which is exempt from income taxation pursuant to the United States Internal Revenue Code;

(4) "State tax liability", in the case of a business taxpayer, any liability

incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, RSMo, excluding sections 143.191 to 143.265, RSMo, and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year that the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this state may be classified as pregnancy resource centers. The director may require of a facility seeking to be classified as a pregnancy resource center whatever information which is reasonably necessary to make such a determination. The director shall classify a facility as a pregnancy resource center if such facility meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can determine if a facility has been classified as a pregnancy resource

center. Pregnancy resource centers shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year shall not exceed two million dollars. Tax credits shall be issued in the order contributions are received.

7. The director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. This section shall apply to all tax years ending on or after December 31, 2008.

135.631. Taxpayers shall only be permitted to redeem tax credits they can claim under section 135.630 if the director of revenue has reallocated other state tax credits to section 135.630. The director shall reallocate such other state tax credits if by law they were limited to a maximum amount during a specified time period and such amount has not been fully redeemed or is not reasonably expected to be fully redeemed.

160.068. No public elementary or secondary educational institution in this state shall allow an organization to offer, sponsor or provide sex education or sex education materials or services to its students unless neither the organization nor any affiliate offers abortion services, provided that an independent affiliate of an organization that offers abortion services shall not be disqualified under this section. An affiliate constitutes an independent affiliate for the purpose of this section if the entity provides abortion services that is affiliated with an entity that does not provide abortion services, is separately incorporated from the entity that does not provide abortion services, does not receive or share a direct or indirect economic or marketing benefit from such affiliation with the entity that does not provide abortion services, and does not share any of the following with the entity

that does not provide abortion services, regardless of whether reimbursement is made for any expenditures associated with sharing the following:

- (1) The same name or similar names;
- (2) Medical or nonmedical facilities, including but not limited to business offices, laboratories, treatment, consultation, examination, and waiting rooms;
- (3) Expenses;
- (4) Employee wages or salaries; or
- (5) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment, and office and medical supplies.

188.010. It is the intention of the general assembly of the state of Missouri to [grant] **recognize and affirm** the right to life [to] **of all humans, [born and unborn] whether in utero or not, to protect maternal health, to encourage childbirth over abortion, to support alternatives to abortion**, and to regulate abortion to the full extent permitted by the Constitution of the United States, decisions of the United States Supreme Court, and federal statutes.

188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms mean:**

(1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;

(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) "**Alternatives to abortion agency**" or "**alternatives to abortion agencies**", an agency or agencies located in this state established and operating primarily to offer alternatives to abortion services, including, by way of example but not limitation, maternity homes, pregnancy resource centers, and agencies commonly known and referred to as crisis pregnancy centers, and which does not perform, induce, or refer for abortions or hold itself out as performing, inducing, or referring for abortions, and which if it is a private agency is exempt from income taxation pursuant to the United States Internal Revenue Code of 1986, as amended;

(4) "Alternatives to abortion services", services or counseling offered to a pregnant woman to assist her in carrying her unborn child to term instead of having an abortion, and to assist her in caring for her dependent child or placing her child for adoption;

(5) "Commission", the respect life commission;

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

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

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

(9) "Medical emergency", a condition which, on the basis of a physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman;

[(5)] (10) "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (11) "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of [its] his or her biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (12) "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

188.025. [Every] **No** abortion [performed at sixteen weeks gestational age or later] shall be performed **or induced except** in a **physician's office, outpatient clinic, ambulatory surgical center licensed pursuant to chapter 197, RSMo, or hospital licensed pursuant to chapter 197, RSMo.**

188.031. For purposes of section 188.028, the term "next friend" shall not include another entity or person in an individual or representative capacity that has a financial interest or potential gain from the proposed abortion, or any employee of or volunteer for such entity or person.

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

(1) **Information required by the United States Standard Report of Induced Termination of Pregnancy, published by the National Center for Health Statistics, Centers for Disease Control and Prevention, United States Department of Health and Human Services, or its successor publication or agency;**

(2) **Additional information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs employed, including, but not limited to: vacuum aspiration, suction curettage, sharp curettage, dilation and evacuation or "D&E", intact D&E, dilation and extraction or "D&X", intrauterine saline instillation, intrauterine prostaglandin instillation, hysterotomy, methotrexate, mifepristone, or misoprostol;**

(3) The reason or reasons the woman sought the abortion, including specific medical, social, economic, or other factors, including, but not limited to: particular maternal health conditions, pregnancy resulting from rape or incest, does not want others to know of her pregnancy, others object to her pregnancy, has relationship problems with the father of the child or other family members, lack of financial support from the father of the child, disruption of education or job, or desire to limit family size; and

(4) Whether the woman used any method of family planning during the time she became pregnant, and if so, the specific method employed.

2. An individual complication report for any post-abortion care performed **or induced** upon a woman shall be completed by the physician providing such post-abortion care. This report shall include, **but not be limited to:**

(1) The date of the abortion;

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

(3) The nature of the abortion complication diagnosed or treated.

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

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

5. The [state] department [of health and senior services] shall be responsible for collecting all abortion reports and complication reports and collating and evaluating all data gathered therefrom and shall annually publish a statistical report based on such data from abortions performed **or induced and post-abortion care provided** in the previous calendar year. **The report shall specify the gestational age, by weekly increments, at which abortions were performed or induced.** The report shall not include any information that would allow the public to identify a specific:

(1) Patient who obtained an abortion or who received post-abortion care;

(2) Physician who performed or induced an abortion or who provided post-abortion care; or

(3) Hospital or abortion facility where the abortion was performed or induced or which provided post-abortion care.

6. The information provided by the woman shall be voluntarily provided by the woman seeking or obtaining the abortion, but the abortion facility, hospital, or physician shall make all reasonable efforts to collect the information required

by this section, and shall in no way dissuade or discourage the woman from providing the information required by this section.

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms by the department [of health and senior services] for use in regards to the consents and reports required by sections 188.010 to 188.085. A purpose and function of such consents and reports shall be the preservation of maternal health and life by adding to the sum of medical knowledge through the compilation of relevant maternal health and life data and to monitor all abortions performed **or induced** to assure that they are done only under and in accordance with the provisions of the law.

2. All information obtained by a physician, hospital, or abortion facility from a patient for the purpose of preparing reports to the department [of health and senior services] under sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be confidential and shall be used only for statistical purposes. Such records, however, may be inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates** the confidentiality of any records [or], reports [required], **or documents maintained by the abortion facility or hospital or received by the department** under sections 188.010 to 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law] **class D felony**.

188.075. 1. Any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs, **induces**, or aids in the performance **or inducing** of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 [shall be] **is** guilty of a class A misdemeanor, **unless a different penalty is provided for in state statute**, and, upon conviction, shall be punished as provided by law.

2. **It shall be a defense for any person alleged to have violated any provision of this chapter that the person performed an action or did not perform an action because of a medical emergency. This defense shall be available in criminal, civil, and administrative actions or proceedings. The defendant shall have the burden of injecting the issue of medical emergency as a defense.**

188.080. [Notwithstanding any other penalty provision in this chapter,] Any person who is not a [licensed] physician [as defined in section 188.015] who performs **or induces** or attempts to perform **or induce** an abortion on another [as defined in subdivision (1) of section 188.015,] is guilty of a class B felony, and, upon conviction, shall be punished as provided by law. Any physician performing **or inducing** an abortion who does not have [surgical] **clinical** privileges at a hospital which offers obstetrical or gynecological care **located within thirty miles of the location at which the abortion is performed or induced** shall be guilty of a class [B felony] **A misdemeanor**, and, upon conviction shall be punished as provided by law.

188.250. 1. No person shall intentionally cause, aid, or assist a minor to obtain an abortion without the consent or consents or judicial decree required by section 188.028.

2. A person who violates subsection 1 of this section shall be civilly liable to the minor and to the person or persons required to give the consent or consents pursuant to section 188.028. A court may award damages to the person or persons adversely affected by a violation of subsection 1 of this section, including compensation for emotional injury without the need for personal presence at the act or event, and the court may further award attorneys' fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sex act with a minor in violation of the provisions of chapters 566, 567, 568, or 573, RSMo, which results in the minor's pregnancy shall not be awarded damages pursuant to this section.

3. It shall not be a defense to a claim brought pursuant to this section that the abortion was performed or induced pursuant to consent to the abortion given in a manner that is otherwise lawful in the state or place where the abortion was performed or induced.

4. An unemancipated minor does not have capacity to consent to any action in violation of this section or section 188.028.

5. A court may enjoin conduct that would be in violation of this section upon petition by the attorney general, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:

- (1) Is reasonably anticipated to occur in the future; or
- (2) Has occurred in the past, whether with the same minor or others, and that it is not unreasonable to expect that such conduct will be repeated.

188.300. 1. There is hereby established in the state treasury the "Alternatives to Abortion Support Fund". The state treasurer shall credit to and deposit in such fund:

- (1) Moneys that may be required by law to be credited to or deposited in such fund;
- (2) Moneys that may be appropriated to it by the general assembly;
- (3) Other amounts that may be received from general revenue, other state funds, grants, gifts, devises, bequests, settlements, awards, or from federal, state, or local sources; and
- (4) Any other sources granted or given for this specific purpose.

2. The state treasurer shall invest moneys in the alternatives to abortion support fund in the same manner as surplus state funds are invested pursuant to

section 30.260, RSMo. All earnings that result from the investment of moneys in the fund shall be credited to such fund.

3. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the alternatives to abortion support fund shall not revert to the credit of general revenue at the end of the biennium.

4. Moneys credited to and deposited in the alternatives to abortion support fund shall only be used for the purposes authorized pursuant to this section. None of the moneys in the fund shall be granted or given to any person who or entity which performs, induces, or refers for abortions or hold himself, herself, or itself out as performing, inducing, or referring for abortions.

5. Until the amount in the alternatives to abortion support fund exceeds one million dollars, not more than one-half of the moneys credited to and deposited in the fund from all sources, plus all earnings from the investment of moneys in the fund during the previous fiscal year, shall be available for disbursement. When the state treasurer certifies that the assets in the fund exceed one million dollars, all credited earnings plus all future credits to the fund from all sources shall be available for disbursement.

6. The alternatives to abortion support fund shall be used only to encourage childbirth over abortion and to support alternatives to abortion by grants to or contracts with:

- (1) Alternatives to abortion agencies; and
- (2) Other public and private agencies to provide alternatives to abortion services.

188.305. 1. There is hereby established the "Respect Life Commission" within the office of administration. The commission shall consist of a number of members equal to the number of congressional districts in the state, one from each congressional district, appointed by the governor with the advice and consent of the senate. Not more than half of the members if there is an even number of members and not more than a simple majority of the members if there is an odd number of members shall be from the same political party.

2. The members of the respect life commission shall serve four-year terms, except that of the initial appointments, half of the members if there is an even number of members and a simple majority of the members if there is an odd number of members shall be appointed for a term of four years and the remainder shall be appointed for a term of two years. Before the expiration of the term of a member, the governor shall appoint a successor whose term begins on July first next following. Each member shall serve until his or her successor is appointed. A member is eligible for reappointment. If there is a vacancy of a member for any

cause, the governor shall make an appointment for the unexpired term with the advice and consent of the senate.

3. To be eligible for appointment to the respect life commission, a person shall demonstrate agreement with the principles and goals set forth in this section regarding respect for human life from the beginning of life until death, and the need to promote childbirth and to offer alternatives to abortion services for pregnant women so that such women are encouraged to carry their pregnancies to term instead of having abortions. In making appointments to the commission, the governor shall consider nominees recommended to the governor for appointment by pro-life organizations in this state. In giving its advice and consent for nominees to appointment to the commission, the senate shall assess the eligibility and qualifications of each nominee for appointment to the commission as provided by this subsection.

4. Any member may be removed by the governor for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard on his or her own behalf.

5. The respect life commission shall elect one of its members to serve as chairperson, and may elect such other officers and establish such committees as deemed necessary.

6. The respect life commission may appoint an executive director who shall serve subject to the supervision of and at the pleasure of the commission. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to the executive director by law or by the commission. The office of administration shall provide all necessary office space, facilities, and equipment. The executive director may hire and set the compensation of such staff as is approved by the commission, within the limitations of appropriations for such purpose.

7. Each member of the respect life commission shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties.

8. The respect life commission shall exercise its powers and duties independently of the office of administration, and the office of administration shall not participate in or supervise any substantive matters relating to policies, regulative functions, or appeals from decisions of the commission. The commissioner of administration, any employee of the office of administration, or the governor, either directly or indirectly, shall not participate or interfere with the activities of the commission in any manner not specifically provided by law, and shall not in any manner interfere with the budget request of the commission

or withhold any moneys appropriated to the commission by the general assembly.

9. The respect life commission shall meet at least quarterly.

10. The powers and duties of the respect life commission shall include, but not be limited to, the following:

(1) To disburse funds from the alternatives to abortion support fund and any other funds authorized by law to be disbursed by the commission;

(2) To consult with appropriate state agencies, commissions, boards, and public and private agencies to determine the effectiveness of and need for alternatives to abortion services and effectiveness of and need for programs that foster respect for human life from the beginning of life until death;

(3) To facilitate information exchange and coordination among agencies and groups concerned with offering and promoting alternatives to abortion services, and concerned with offering and promoting programs that foster respect for human life from the beginning of life until death;

(4) To develop statewide educational and public informational campaigns, conferences, and workshops for the purpose of developing appropriate public awareness regarding:

(a) Respect for human life from the beginning of life until death; and

(b) The need to offer and promote alternatives to abortion services;

(5) To identify problems and conditions some pregnant women have and encounter that causes them to choose to have abortions instead of choosing to carry their pregnancies to term, and propose solutions to such problems and conditions;

(6) To develop and operate an Internet web site;

(7) To recommend statutory changes and appropriations to promote alternatives to abortion services and to promote programs that foster respect for human life both from the beginning of life until death;

(8) To solicit and accept state funds, grants, gifts, devises, bequests, settlements, awards, or other aid from the general assembly, any person or business, organization or foundation, public or private, or from federal, state, or local sources; and

(9) To perform any other functions or duties consistent with the provisions of this section or otherwise required or permitted by law.

11. The respect life commission shall submit an annual report of its activities to the president pro tem of the senate, the speaker of the house of representatives, and the governor before December 31 of each year.

197.200. As used in sections 197.200 to 197.240, unless the context clearly indicates otherwise, the following terms mean:

(1) "Ambulatory surgical center", any public or private establishment operated primarily for the purpose of performing surgical procedures or primarily for the purpose of performing childbirths **or any establishment operated for the purpose of performing or inducing any second or third-trimester abortions or five or more first-trimester abortions per month**, and which does not provide services or other accommodations for patients to stay more than twenty-three hours within the establishment, provided, however, that nothing in this definition shall be construed to include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

(2) "Dentist", any person currently licensed to practice dentistry pursuant to chapter 332, RSMo;

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

(4) "Governmental unit", any city, county or other political subdivision of this state, or any department, division, board or other agency of any political subdivision of this state;

(5) "Person", any individual, firm, partnership, corporation, company, or association and the legal successors thereof;

(6) "Physician", any person currently licensed to practice medicine pursuant to chapter 334, RSMo;

(7) "Podiatrist", any person currently licensed to practice podiatry pursuant to chapter 330, RSMo.

301.3030. 1. Any person may receive special license plates with words and an emblem that denotes the state's respect for human life from the beginning of life until death, pursuant to this section, for any motor vehicle such person owns either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of eighteen thousand pounds gross weight after a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund. Such license plates shall be called "Respect Life License Plates".

2. Respect life license plates shall bear the words "RESPECT LIFE" in place of the words "SHOW-ME STATE" and shall bear the image of a single red rose. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, pursuant to section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates issued pursuant to this section.

3. The contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund shall be made to the director of revenue at the time of registration of the vehicle. The director shall transfer such contributions to the state treasurer for

deposit in the alternatives to abortion support fund. Upon the receipt of such contribution, payment of the regular registration fees and presentation of other documents that may be required by law, the director of revenue shall issue respect life license plates to the vehicle owner.

4. There shall be no limit on the number of sets of respect life license plates a person may obtain pursuant to this section so long as such license plates are issued for vehicles owned solely or jointly by such person, and so long as a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, is made for each set of respect life license plates.

5. A vehicle owner who was previously issued respect life license plates but who does not make a contribution of at least twenty-five dollars, or at least fifty dollars in the case of a biennial registration, to the alternatives to abortion support fund at a subsequent time of registration shall be issued new plates that are not respect life license plates, as otherwise provided by law.

6. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the regular registration fees and presentation of documents required by law, the department of revenue shall issue a license plate to the vehicle owner. The director of revenue shall issue samples of respect life license plates to all offices in this state where vehicles are registered and license plates are issued. Such sample license plates shall be prominently displayed in such offices along with literature prepared by the director or by the respect life commission describing the license plates, the alternatives to abortion support fund, and the purposes for which the fund is used.

7. The general assembly may appropriate moneys annually from the alternatives to abortion support fund to the department of revenue to offset costs reasonably incurred by the director of revenue pursuant to subsections 1 to 6 of this section.

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