

SECOND REGULAR SESSION

SENATE BILL NO. 745

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEMBKE.

Read 1st time February 2, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5640S.011

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to alternatives-to-abortion agencies.

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

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.125, to read as follows:

188.125. 1. It is the intent of the general assembly to acknowledge the rights of an alternatives-to-abortion agency and its officers, agents, employees, and volunteers to freely assemble and to freely engage in religious practices and speech without governmental interference, and that the constitutions and laws of the United States and the state of Missouri shall be interpreted, construed, applied, and enforced to fully protect such rights.

2. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that prohibits, restricts, limits, controls, directs, interferes with, or otherwise adversely affects an alternatives-to-abortion agency or its officers, agents, employees, or volunteers' assembly, religious practices, or speech, including but not limited to counseling, referrals, or education of, advertising or information to, or other communications with, clients, patients, other persons, or the public.

3. Nothing in this section shall preclude or preempt a political subdivision of this state from exercising its lawful authority to regulate zoning or land use or to enforce a building or fire code regulation, provided that such political subdivision treats an alternatives-to-abortion agency in the same manner as a similarly situated agency and

22 that such authority is not used to circumvent the intent of this section.

23 4. In any action to enforce the provisions of this section, a court
24 of competent jurisdiction may order injunctive relief, recovery of
25 damages, or both, as well as payment of reasonable attorney's fees,
26 costs, and expenses. The remedies set forth shall not be deemed
27 exclusive and shall be in addition to any other remedies permitted by
28 law.

29 5. As used in this section, "alternatives-to-abortion agency"
30 means:

31 (1) A maternity home as defined in section 135.600;

32 (2) A pregnancy resource center as defined in section 135.630; or

33 (3) An agency or entity that has the primary purpose of
34 providing services or counseling to pregnant women to assist such
35 women in carrying their unborn children to term instead of having
36 abortions, and to assist such women in caring for their dependent
37 children or placing their children for adoption, as described in section
38 188.325.

Bill ✓

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