

SECOND REGULAR SESSION

# SENATE BILL NO. 772

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time February 8, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5711S.011

## AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to the abortion-inducing drugs safety act, with penalty provisions.

*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 188.033, to read as follows:

**188.033. 1. This section shall be known and may be cited as the "Abortion-inducing Drugs Safety Act".**

**2. No person who is not a physician shall knowingly prescribe or administer RU-486 (mifepristone) or any other drug for the purpose of inducing an abortion.**

**3. RU-486 (mifepristone) or any other drug prescribed for the purpose of inducing an abortion shall only be prescribed by a physician who at least twenty-four hours prior to the administration of the drug:**

**(1) Complies with all other legal requirements prior to an abortion being performed or induced;**

**(2) Physically examines the patient;**

**(3) Documents in the patient's medical record the gestational age and whether there is an ectopic pregnancy; and**

**(4) Provides the patient with a copy of the United States Food and Drug Administration (FDA) approved label or labels for the drug or drugs that will be used to induce the abortion, regardless of whether the drug or drugs have been approved by the FDA or the drug manufacturer to induce an abortion.**

**4. RU-486 (mifepristone) or any other drug administered for the purpose of inducing an abortion, including any drug administered during a subsequent visit to complete the abortion shall only be**

22 administered in a hospital or in an abortion facility. The abortion  
23 facility shall also be licensed as an ambulatory surgical center under  
24 sections 197.200 to 197.240 if any second- or third-trimester abortions  
25 or five or more first-trimester abortions per month are performed or  
26 induced at the facility.

27 5. RU-486 (mifepristone) or any other drug administered for the  
28 purpose of inducing an abortion, including any drug administered  
29 during a subsequent visit to complete the abortion, shall only be  
30 administered by:

31 (1) The physician who prescribed the drug or another physician  
32 acting under the prescribing physician's authority, and who is in the  
33 physical presence of the patient; or

34 (2) The patient to administer to herself, at the direction of and  
35 while in the physical presence of the physician.

36 6. Due to a significant number of drug-induced abortions later  
37 requiring surgical intervention and consistent with the provisions of  
38 section 188.080, no physician shall prescribe or administer RU-486  
39 (mifepristone) or any other drug administered for the purpose of  
40 inducing an abortion unless the physician:

41 (1) Has clinical privileges at a hospital which offers obstetrical  
42 or gynecological care located within thirty miles of the location at  
43 which the abortion is induced; and

44 (2) Has privileges at the hospital or at the abortion facility where  
45 the drug or drugs were administered to perform surgical intervention,  
46 including but not limited to surgical abortion.

47 7. If a patient who was administered RU-486 (mifepristone) or  
48 any other drug administered for the purpose of inducing an abortion  
49 decides to carry her unborn child to term before the abortion is  
50 completed, the patient shall be immediately referred to another  
51 physician who did not prescribe or administer the drug or drugs so the  
52 patient can receive medical assistance for herself and her unborn child.

53 8. Malformations or other birth defects can occur in a child who  
54 survives an attempted abortion and is born alive after the  
55 administration of RU-486 (mifepristone) or other drugs. The state may  
56 otherwise be obligated to provide significant medical, mental health,  
57 rehabilitative, vocational, educational, or other care or assistance for  
58 such child throughout his or her lifetime if the physician who

59 attempted the abortion carried inadequate insurance. Therefore, any  
60 physician who prescribes or administers RU-486 (mifepristone) or any  
61 other drug for the purpose of inducing an abortion shall, in addition to  
62 complying with the medical malpractice requirements of section  
63 188.043, obtain and maintain in force a tail or occurrence-based  
64 insurance policy of at least one million dollars per occurrence and  
65 three million dollars in the aggregate per year for personal injury to or  
66 death of a child born alive after an attempted abortion. Such policy  
67 shall be maintained in force or be in effect until such child reaches his  
68 or her twenty-first birthday, or later, under section 516.105.

69       9. (1) Any person who violates the provisions of subsection 2 of  
70 this section is guilty of a class C felony; except that, any person who  
71 prescribes or administers any drug for the purpose of inducing an  
72 abortion on another person without the other person's knowledge or  
73 consent is guilty of a class B felony.

74       (2) Any person who violates any provision of subsections 3 to 8  
75 of this section is guilty of a class A misdemeanor.

Bill ✓

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