

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 174
99TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Children, May 4, 2017, with recommendation that the Senate Committee Substitute do pass.

0859S.04C

ADRIANE D. CROUSE, Secretary.

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to the preemption of political subdivision authority regarding abortion, with an emergency clause.

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 right of an alternatives to abortion agency to operate freely and engage in speech without governmental interference as protected by the constitution of the United States and the constitution and laws of Missouri, the right of a person not to be compelled by the government to participate in abortion contrary to his, her, or its religious beliefs or moral convictions, and that the constitution of the United States and the constitution and laws 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' operations 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.

20 3. Nothing in subsection 2 of this section shall preclude or
21 preempt a political subdivision of this state from exercising its lawful
22 authority to regulate zoning or land use or to enforce a building or fire
23 code regulation; provided that, such political subdivision treats an
24 alternatives to abortion agency in the same manner as a similarly
25 situated agency and that such authority is not used to circumvent the
26 intent of subsection 2 of this section.

27 4. A political subdivision of this state is preempted from
28 enacting, adopting, maintaining, or enforcing any order, ordinance,
29 rule, regulation, policy, or other similar measure that has the purpose
30 or effect of requiring a person to directly or indirectly participate in
31 abortion if such participation is contrary to the religious beliefs or
32 moral convictions of such person.

33 5. A political subdivision of this state is preempted from
34 enacting, adopting, maintaining, or enforcing any order, ordinance,
35 rule, regulation, policy, or other similar measure requiring a real estate
36 broker, real estate salesperson, real estate broker-salesperson,
37 appraisal firm, appraiser, as such terms are defined in chapter 339, a
38 property owner, or any other person to buy, sell, exchange, purchase,
39 rent, lease, advertise for, or otherwise conduct real estate transactions
40 for, to, or with an abortion facility or for, to, or with a person for the
41 purpose of performing or inducing an abortion not necessary to save
42 the life of the mother, if such requirement is contrary to the religious
43 beliefs or moral convictions of such real estate broker, real estate
44 salesperson, real estate broker-salesperson, appraisal firm, appraiser,
45 property owner, or other person.

46 6. A political subdivision of this state is preempted from
47 enacting, adopting, maintaining, or enforcing any order, ordinance,
48 rule, regulation, policy, or other similar measure requiring an
49 employer, employee, health plan provider, health plan sponsor, health
50 care provider, or any other person to provide coverage for or to
51 participate in a health plan that includes benefits that are not
52 otherwise required by state law.

53 7. In any action to enforce the provisions of this section, a court
54 of competent jurisdiction may order injunctive or other equitable
55 relief, recovery of damages or other legal remedies, or both, as well as
56 payment of reasonable attorney's fees, costs, and expenses. The relief

57 and remedies set forth shall not be deemed exclusive and shall be in
58 addition to any other relief or remedies permitted by law.

59 8. In addition to a private cause of action by a person whose
60 rights are violated contrary to the provisions of this section, the
61 attorney general is also authorized to bring a cause of action to defend
62 the rights guaranteed under this section.

63 9. Nothing in this section shall be construed to prohibit a
64 political subdivision from enacting, adopting, maintaining, or enforcing
65 any order, ordinance, rule, regulation, policy, or other similar measure
66 to assist pregnant women to carry their unborn children to term or to
67 assist women in caring for their dependent children or placing their
68 children for adoption including, but not limited to, by funding or
69 otherwise assisting an alternatives to abortion agency to provide
70 services to such women and children.

71 10. As used in this section, the following terms mean:

72 (1) "Alternatives to abortion agency":

73 (a) A maternity home as defined in section 135.600;

74 (b) A pregnancy resource center as defined in section 135.630; or

75 (c) An agency or entity that has the primary purpose of
76 providing services or counseling to pregnant women to assist such
77 women in carrying their unborn children to term instead of having
78 abortions and to assist such women in caring for their dependent
79 children or placing their children for adoption, as described in section
80 188.325, regardless of whether such agency or entity is receiving
81 funding or reimbursement from the state for such purposes;

82 (2) "Participate in abortion":

83 (a) To undergo an abortion; or

84 (b) To perform or induce, assist in, refer or counsel for, advocate
85 for, promote, procure, reimburse for, or provide health plan coverage
86 for an abortion not necessary to save the life of the mother.

Section B. Because of the immediate need to protect the right to life of
2 persons in this state, the enactment of section 188.125 of section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare,
4 peace, and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and the enactment of section 188.125 of section A of
6 this act shall be in full force and effect upon its passage and approval.