

# SENATE BILL NO. 1095

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR RAZER.

3482S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 188.015 and 188.017, RSMo, and to enact in lieu thereof two new sections relating to abortion, with existing penalty provisions.

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

Section A. Sections 188.015 and 188.017, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 188.015 and 188.017, to read as follows:

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

3 (1) "Abortion":

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

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

13 (c) "Abortion" shall not include U.S. Food and Drug  
14 Administration-approved hormonal birth control, emergency  
15 contraceptives used to prevent pregnancy after sexual  
16 intercourse, and long-acting reversible contraceptives, as  
17 described in section 208.1070, when used with the intention

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

18 **to prevent pregnancy or for reasons other than to**  
19 **intentionally terminate a pregnancy;**

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

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

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

27 (5) "Down Syndrome", the same meaning as defined in  
28 section 191.923;

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

31 (7) "Medical emergency", a condition which, based on  
32 reasonable medical judgment, so complicates the medical  
33 condition of a pregnant woman as to necessitate the  
34 immediate abortion of her pregnancy to avert the death of  
35 the pregnant woman or for which a delay will create a  
36 serious risk of substantial and irreversible physical  
37 impairment of a major bodily function of the pregnant  
38 woman. **A "medical emergency" shall include, but not be**  
39 **limited to, an ectopic pregnancy at any point following the**  
40 **diagnosis of such;**

41 (8) "Physician", any person licensed to practice  
42 medicine in this state by the state board of registration  
43 for the healing arts;

44 (9) "Reasonable medical judgment", a medical judgment  
45 that would be made by a reasonably prudent physician,  
46 knowledgeable about the case and the treatment possibilities  
47 with respect to the medical conditions involved;

48 (10) "Unborn child", the offspring of human beings  
49 from the moment of conception until birth and at every stage

50 of its biological development, including the human  
51 conceptus, zygote, morula, blastocyst, embryo, and fetus;

52 (11) "Viability" or "viable", that stage of fetal  
53 development when the life of the unborn child may be  
54 continued indefinitely outside the womb by natural or  
55 artificial life-supportive systems;

56 (12) "Viable pregnancy" or "viable intrauterine  
57 pregnancy", in the first trimester of pregnancy, an  
58 intrauterine pregnancy that can potentially result in a  
59 liveborn baby.

188.017. 1. This section shall be known and may be  
2 cited as the "Right to Life of the Unborn Child Act".

3 2. Notwithstanding any other provision of law to the  
4 contrary, no abortion shall be performed or induced upon a  
5 woman, except in cases of medical emergency. Any person who  
6 knowingly performs or induces an abortion of an unborn child  
7 in violation of this subsection shall be guilty of a class B  
8 felony, as well as subject to suspension or revocation of  
9 his or her professional license by his or her professional  
10 licensing board. A woman upon whom an abortion is performed  
11 or induced in violation of this subsection shall not be  
12 prosecuted for a conspiracy to violate the provisions of  
13 this subsection.

14 3. It shall be an affirmative defense for any person  
15 alleged to have violated the provisions of subsection 2 of  
16 this section that the person performed or induced an  
17 abortion because of a medical emergency. The defendant  
18 shall have the burden of persuasion that the defense is more  
19 probably true than not.

20 4. [The enactment of this section shall only become  
21 effective upon notification to the revisor of statutes by an  
22 opinion by the attorney general of Missouri, a proclamation

23 by the governor of Missouri, or the adoption of a concurrent  
24 resolution by the Missouri general assembly that:

25 (1) The United States Supreme Court has overruled, in  
26 whole or in part, *Roe v. Wade*, 410 U.S. 113 (1973),  
27 restoring or granting to the state of Missouri the authority  
28 to regulate abortion to the extent set forth in this  
29 section, and that as a result, it is reasonably probable  
30 that this section would be upheld by the court as  
31 constitutional;

32 (2) An amendment to the Constitution of the United  
33 States has been adopted that has the effect of restoring or  
34 granting to the state of Missouri the authority to regulate  
35 abortion to the extent set forth in this section; or

36 (3) The United States Congress has enacted a law that  
37 has the effect of restoring or granting to the state of  
38 Missouri the authority to regulate abortion to the extent  
39 set forth in this section] **The provisions of this section**  
40 **shall not be construed to impact or prohibit access to other**  
41 **reproductive health care services, including, but not**  
42 **limited to, access to U.S. Food and Drug Administration-**  
43 **approved birth control measures such as hormonal birth**  
44 **control, emergency contraceptives used to prevent pregnancy**  
45 **after sexual intercourse, and long-acting reversible**  
46 **contraceptives, as described in section 208.1070.**

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