

Journal of the Senate

SECOND REGULAR SESSION

EIGHTEENTH DAY - WEDNESDAY, FEBRUARY 7, 2024

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

The Reverend Steven George offered the following prayer:

“I lift up my eyes to the mountains—where does my help come from? My help comes from the Lord, the Maker of heaven and earth.”
(Psalm 121:1-2 NIV)

Almighty God, creator of heaven and earth, we ask for Your help and guidance. Help us to work together and to look to You for wisdom in the process of deliberations. Help us make decisions that promote justice, compassion, and the common good of all Missourians. In Your Holy Name we pray, Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from The Kansas City Beacon and Nexstar Media Group were given permission to take pictures in the Senate Chamber.

The following Senators were present during the day’s proceedings:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (16th Dist.)
Brown (26th Dist.)	Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger
Fitzwater	Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May
McCreery	Moon	Mosley	O’Laughlin	Razer	Rizzo	Roberts
Rowden	Schroer	Thompson Rehder	Trent	Washington	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senators May and Rowden offered Senate Resolution No. 671, regarding Marvin Sapp, which was adopted.

Senators May and Rowden offered Senate Resolution No. 672, regarding Hezekiah Walker, which was adopted.

Senators Mosley and May offered Senate Resolution No. 673, regarding Reverend Dr. Freddy James Clark, which was adopted.

Senator Fitzwater offered Senate Resolution No. 674, regarding Scott Bryon Letendre, Troy, which was adopted.

Senators Thompson Rehder and Bean offered Senate Resolution No. 675, regarding Floyd Ferrell, Sikeston, which was adopted.

Senator Trent offered Senate Resolution No. 676, regarding Susan Hardy, Nixa, which was adopted.

Senator Trent offered Senate Resolution No. 677, regarding Erik Netzer, Greenfield, which was adopted.

Senators Rowden, Rizzo, and O’Laughlin offered Senate Resolution No. 678, regarding the National Conference of State Legislatures (NCSL), which was adopted.

CONCURRENT RESOLUTIONS

Senator Coleman offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 31

Whereas, pursuant to Article I, Section 10 of the United States Constitution, the states retain the sovereign power to defend themselves when "actually invaded, or in such imminent danger as will not admit delay"; and

Whereas, the Governor of this state is the commander in chief of the militia; and

Whereas, as commander in chief of the militia, the Governor is permitted to call out the militia to execute laws, suppress insurrection, and repel invasion; and

Whereas, the United States Congressional Budget Office has estimated that during the 2023 fiscal year, nearly one million people illegally entered the United States, nearly equaling the total amount for the previous two fiscal years combined; and

Whereas, this increase in illegal entry into the United States has coincided with the rampant increase in crime and drug trafficking in this state; and

Whereas, action is necessary by the Governor to protect the interests of the state and the health and safety of all Missourians from the dangers implicit in the illegal entry of aliens into this country and state:

Now, Therefore, Be It Resolved by the members of the Missouri Senate, One Hundred Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the Governor of Missouri, Michael L. Parson, to use all powers available to him to repel the invasion of all immigrants illegally present in this state to the nearest port of entry in the United States; and

Be It Further Resolved that the Secretary of Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor of Missouri.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and ordered printed:

SB 1387—By Moon.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to child protections required for certain children's homes.

SB 1388—By Razer.

An Act to repeal section 144.054, RSMo, and to enact in lieu thereof one new section relating to a sales tax exemption for certain nuclear facilities.

SB 1389—By Crawford.

An Act to repeal section 483.083, RSMo, and to enact in lieu thereof one new section relating to the compensation of circuit clerks.

SB 1390—By Schroer.

An Act to repeal sections 287.610, 287.615, and 287.812, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

SB 1391—By Luetkemeyer.

An Act to repeal sections 135.713, 135.714, 135.715, and 166.700, RSMo, and to enact in lieu thereof four new sections relating to educational scholarships.

SB 1392—By Trent.

An Act to repeal sections 135.713, 135.714, 135.715, 160.400, and 166.700, RSMo, and to enact in lieu thereof five new sections relating to educational opportunities for elementary and secondary school students.

Senator O’Laughlin moved that the Senate recess to repair to the House of Representatives to receive the State of the Judiciary Address from the Chief Justice of the Supreme Court, the Honorable Mary R. Russell, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kehoe.

On roll call the following Senators were present:

Present—Senators

Arthur	Bean	Beck	Bernskoetter	Black	Brattin	Brown (26th Dist.)
Carter	Cierpiot	Coleman	Crawford	Eigel	Eslinger	Fitzwater
Gannon	Hoskins	Hough	Koenig	Luetkemeyer	May	McCreery
Moon	Mosley	O’Laughlin	Razer	Rizzo	Roberts	Thompson Rehder
Trent	Williams—30					

Absent—Senators

Brown (16th Dist.)	Rowden	Schroer	Washington—4
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Absent with leave—Senators—None

Vacancies—None

On roll call the following Representatives were present:

PRESENT: 153

Adams	Allen	Amato	Anderson	Appelbaum	Atchison	Aune
Banderman	Bangert	Baringer	Barnes	Billington	Black	Boggs
Bonacker	Bosley	Bromley	Brown (16)	Brown (149)	Brown (87)	Brown (27)
Buchheit-Courtway	Burger	Burnett	Burton	Busick	Butz	Byrnes
Casteel	Chappell	Christ	Christensen	Christofanelli	Coleman	Cook
Copeland	Crossley	Cupps	Davidson	Davis	Deaton	Diehl
Dinkins	Doll	Ealy	Evans	Falkner	Farnan	Fogle
Fountain Henderson	Gallick	Gragg	Gray	Gregory	Griffith	Haden
Haffner	Haley	Hardwick	Hausman	Hein	Henderson	Hicks
Hinman	Houx	Hovis	Hudson	Hurlbert	Ingle	Johnson (12)
Johnson (23)	Jones	Justus	Kalberloh	Keathley	Kelley (127)	Kelly (141)
Knight	Lavender	Lewis (25)	Lewis (6)	Lonsdale	Lovasco	Mackey
Mann	Marquart	Matthiesen	Mayhew	McGaugh	McGill	McMullen
Merideth	Morse	Mosley	Murphy	Myers	Nickson-Clark	Nurrenbern
O'Donnell	Oehlerking	Owen	Parker	Patterson	Perkins	Peters
Phifer	Plank	Pollitt	Pouche	Proudie	Quade	Reedy
Reuter	Richey	Riggs	Riley	Roberts	Sander	Sassmann
Sauls	Schwadron	Seitz	Sharpe (4)	Shields	Smith (155)	Smith (46)
Sparks	Stacy	Steinhoff	Stephens	Stinnett	Strickler	Taylor (48)
Taylor (84)	Terry	Thomas	Thompson	Titus	Toalson Reisch	Unsicker
Van Schoiack	Veit	Voss	Waller	Walsh Moore	Weber	West
Wilson	Windham	Woods	Wright	Young	Mr. Speaker	

ABSENT: 9

Baker	Bland Manlove	Clemens	Collins	Francis	Schnelting	Schulte
Sharp (37)	Smith (163)					

VACANCIES: 1

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Mary R. Russell, escorted the Chief Justice to the dais where she delivered the State of the Judiciary Address to the Joint Assembly:

2024 STATE OF THE JUDICIARY**Missouri Chief Justice Mary R. Russell*****Introduction – expressing gratitude***

Lieutenant Governor Kehoe, Speaker Plocher, President Pro Tem Rowden, Auditor Fitzpatrick, members of the General Assembly, my colleagues in the judiciary, and guests: I am grateful to be here this morning to present to you this 50th state of the judiciary.

I last spoke to this body a decade ago, but I'm no stranger to the legislature. I worked for my local legislators in both chambers during college and law school, and over the years, I have made many legislative friends. Having those friendships – past, present and future – fills me with gratitude.

My late husband represented northwest Missouri here in the House – he sat right there! Although Jim is only with us in spirit now, other members of my family are here this morning – please welcome them as they stand!

We have three of our adorable grandchildren here – Avery, age 11; Evan, age 7; and Isabelle, who just turned 4. Claire, who is almost 2, is missing today – she couldn't get paroled from daycare. The grandkids even brought their parents, Heather and Allen, and Laura and Tom.

I am thrilled to have you all here today, and I love you and appreciate all your support for my public service habit!

My family consciously practices gratitude. We try to teach our youngest to have an "attitude of gratitude." At Sunday dinners at my house, we go around the table and we say what we are grateful for. Rules are simple: don't repeat anything, and don't eat until everyone has spoken.

Whether at home or at work, we all have many reasons to express gratitude.

Gratitude for those in the judiciary

To start, I have deep gratitude for my second family, within the judiciary. For more than two decades, I have worked with many fabulous judges – including my “housemates” across the street.

It’s worth noting again what the governor mentioned two weeks ago: For the first time in the history of our great state, we have a majority of female judges on our Court! Missouri’s high court is now one of only 15 in the nation with a female majority.

This is something I simply never imagined happening. I truly hope this historic achievement inspires Missouri’s children – no matter their background – to believe that they, too, can become a state Supreme Court judge if they want.

Our newest colleagues, elevated last fall from the court of appeals, are Judge Kelly Broniec, of Montgomery City, and Judge Ginger Gooch, of Springfield – who, by the way, is the first Supreme Court judge from southwest Missouri in more than two decades!

We are *all* grateful for Governor Parson’s appointments under the Missouri Plan and for his recognition that, sometimes, the best man for the job is actually a woman!

Although I currently serve as the “face” of the judiciary, the hard work is performed in *your* local courthouses, by nearly 3,600 clerks, bailiffs, court reporters, jury supervisors, juvenile office staff and others, plus more than 400 judges and commissioners. All of us should have immense gratitude for these frontline heroes and their daily work behind the scenes for your constituents.

Thanks to *them*, we are problem solvers as we decide hundreds of thousands of legal disputes each year. Because of *their* hard work, I am proud to say the state of Missouri’s judiciary is strong.

During my two-year term as chief justice, I am personally visiting all 46 judicial circuits to witness the important work our trial courts do; I have been to 14 so far! My goal on this “gratitude tour” is to meet local court staff, shake their hands and express how much we appreciate them. I also listen carefully to their ideas about how we could help them better serve their local communities.

I have been inviting you to tour your local courthouses with me. I am grateful so many of you have joined me to meet your local frontline heroes and learn more about their work. I look forward to seeing more of you on one of my next 32 visits.

Gratitude for legislative support

I also enjoy opportunities like this, when we come together from separate branches of government and work as constitutional partners to improve the administration of justice for all Missourians.

Judicial privacy act

Judges and prosecutors across Missouri – and their families – are grateful for your action last session to pass the judicial privacy act and protect us from violence and threats of violence as we do our jobs.

Expungement assistance

You are aware of the challenges presented by the passage of Amendment 3. Your constituents, working in circuit clerk offices statewide, are grateful for the financial assistance you have provided to help them do the highly detailed expungement work the constitution now requires.

We are making significant strides. As of this week, our courts have reviewed more than 245,000 cases, of which they have expunged nearly 109,000. Plus, they’ve done all this while still processing all your constituents’ other cases. A number of circuit clerks who were meeting in Jefferson City today are with us now. Please join me in giving all these dedicated court staff – and all those working in your local courthouses – an incredibly well-deserved round of applause!

Court technology

We also want to express our gratitude for your ongoing support of our statewide court automation system. We believe Missouri was the first state to have such a system. It now includes all of our municipal courts too – a major milestone that we’ve just completed!

Technology allows us to continue delivering the customer service your constituents expect and deserve. Our most popular service, Case.net, provides web-based access to more than 27 million public case records ... and counting. And now, people can see public case documents filed on or after July 1 remotely, from the convenience of a smart phone or home computer. Since remote public access started, the average number of hits on Case.net has reached nearly 5.2 million per day, with an average of nearly 7,000 people a month signing up to track cases through Case.net.

Gratitude for legislative support

We are also grateful for your consideration this session of bills to increase juror compensation – a need I have heard expressed consistently in my local courthouse visits.

The right to a jury of your peers has always been a part of our nation’s fundamental values. But many of our courts struggle to have enough jurors. To comply with jury service, our citizens must take time off work and make other arrangements to care for their families. In turn, they

may receive only the statutory minimum of just \$6 per day and 7 cents per mile for traveling from their homes to the courthouse and back. These amounts have not been updated since at least 1989. Judges are embarrassed to tell jurors these rates, and one clerk described the amounts as an insult to those who show up for jury service.

We are grateful for your consideration of how best to compensate your local citizens for performing this important constitutional duty.

Treatment court programs

We are also grateful for your ongoing support of treatment courts. After three decades, we have thousands of successful treatment court graduates who are testaments to how well these programs work. If you haven't already, please attend a local treatment court graduation. But bring a tissue, as every ceremony abounds with inspiring stories of lives restored and families healed. Here is one example:

Loretta Huff came from a broken home. Just as Johnny Lee once sang, she went lookin' for love in all the wrong places. She ended up incarcerated five times for a variety of convictions. She was in a dark place, believing there was no room in society for someone with her criminal history. But then she was accepted into Boone County's treatment court. She credits this with saving her life. Upon graduation, she began helping others. She now works as a counselor and helps lead a support group for treatment court alumni in Callaway County. She has gratitude for her treatment court experience and is proud of her new pattern of making good choices. Loretta is here – let's give her our gratitude for her success and for paying it forward!

We are grateful you are considering adding mental health courts to the list of approved treatment courts, expanding our ability to serve even more people.

Impact of mental health issues on our courts

Speaking of mental health, these issues – either alone or in tandem with substance abuse – increasingly impact our courts on a daily basis in all types of cases. These problems compound in our communities, taking a toll on our law enforcement officers, our jails, our hospitals and our nursing homes as everyone struggles for solutions.

Our jails have become the largest mental health facilities in our counties. But that is not how jails are designed, nor how their staff are trained. Jails should be used in the short term to detain people accused of crimes or found guilty of minor crimes. Concrete cell blocks are not conducive for treating mental health or addiction issues.

Individuals with mental health issues pose a danger to themselves and others in jail. One judge in outstate Missouri recently told me, despite the court ordering a much-needed mental health competency evaluation, the inmate had to wait eight months – creating difficult, if not impossible, conditions for deputies trying to keep control in the jail.

Unfortunately, I hear similar stories all over our state. The longer inmates with mental health problems remain detained – without treatment or without being *tried* for a crime, let alone *convicted* – the worse they get.

So, what do we do about it? We work together. Growing up on a farm, I learned that silos are great for holding grain. But government *cannot* operate in silos. We *cannot* afford to say “not our problem” and kick the proverbial can down the road. Because these are not cans – they are our loved ones, our neighbors, all the people who make up our local communities.

Instead, we must work together – across all branches of government, at the state and local levels, and with the nonprofit and private sectors. Only by sharing our best ideas and pooling our limited resources can we make a positive difference.

All areas of the state are in dire need of mental health services for defendants. Together, we *can* build networks to help keep those in need of mental health services out of our courts and jails so they can live safely and successfully in *all* our local communities. Simply put: *justice cannot be by geography*.

Pretrial services programs

We owe our gratitude to court and community leaders paving the way with new programs to help defendants with mental health issues. To address mental health and other needs at the earliest opportunity, pretrial services programs are proving efficient and effective. Like treatment courts, these programs are community-driven, with judges, prosecutors, public defenders, law enforcement officers and mental health professionals all collaborating to get offenders the help they need.

Consider Montgomery County – one of only five pilot sites in the nation, selected to improve pretrial diversion for defendants with mental health needs. I had a chance to visit with its pretrial services staff a few months ago. Although in its early stages, the program shows great promise. It has also been received well by victims, who are pleased to learn there are local options for those who *don't* need incarceration, but *do* need help with mental health issues.

Other defendants who qualify for pretrial release need different types of structure and support. Resources for these defendants can also include basic assistance such as locating a place to live, getting a GED, finding a job, applying for a driver's license and even transportation.

This support helped one Montgomery County man turn his life around since last summer. At the time of his arrest, with a barely livable home, he had no regular mental health assistance, abused alcohol and was surrounded by criminal activity. Then he was released into the prosecutor's mental health diversion program. Now, six months later, he is sober, receives regular mental health treatment, has severed his relationships with criminal associates, and lives in a structurally safe home. He credits pretrial services with kick-starting him onto a pathway to success.

We know the success of these programs can be far-reaching. Consider Sheila Santillan, one of Jasper County's earliest pretrial services program successes. She spent her teens bouncing around foster homes. As a young adult, she became entangled with drugs, got clean, but then had trouble finding stable housing. She took care of her father as he battled cancer, but after he died, she slipped again and was arrested for felony drug possession. Thanks to the pretrial services she received, Sheila was able to keep her job at a local restaurant, checking in with her pretrial release officer twice a week. Ultimately, she pleaded guilty, received a suspended execution of sentence and performed community service.

In the six years since, she has not returned to our criminal justice system and is happy to have moved on with her life. Sheila, I know you are watching online; please hear our applause showing how proud we are of your accomplishments!

It is our courts – through your local judges and court staff – who are keeping people like Sheila out of needless incarceration, instead making sure they receive life-changing treatment. We owe our heartfelt gratitude to these court heroes for protecting our communities and helping defendants like Sheila and so many others live up to their potential.

Members of our Jasper and Montgomery county pretrial services teams are here today; please join me in showing them our gratitude for the investment they are making in the lives of our fellow Missourians!

But unfortunately, not every county has a pretrial services team. Regardless of geography, defendants everywhere deserve the same opportunities. We are grateful for your consideration of our request to establish a statewide pretrial services program.

Juvenile detention

There is one final area in which we really need your partnership. Unfortunately, many juveniles suffer from mental health issues, too. During my visits to your districts, I have heard a lot about the need for increased mental health and security services in our juvenile detention facilities.

These facilities are housing more, and older, youth. There is a lack of available beds for juvenile offenders who need to be detained, especially outstate. Older, more streetwise youth are now being housed with younger juveniles, who I fear may *not* be learning good things from their older peers.

In addition, more youth are being certified to stand trial as adults. This is due to the seriousness of their alleged offenses. And more of these youth are remaining in secure juvenile facilities until their cases in adult courts are final. Having more high-risk, high-need youth staying longer in detention impacts the overall safety, security and rehabilitative focus of our entire juvenile justice system.

I admire the dedication and fortitude of all your local juvenile office staff, detention personnel and judges who serve these youth and families under increasingly difficult circumstances.

We are grateful for your consideration of our budget request to help us better serve youth in detention.

Conclusion

In conclusion, we have many challenging issues facing us, but I am grateful for the opportunity to work with you in tackling them. I am confident, working together as constitutional partners, we can succeed.

Every session brings a unique blend of stress, challenges and opportunities. I know how hard it is to leave your loved ones behind, week in and week out, to come here, plowing through thousands of bills, as you set out to do the people's business.

And I know you, like me, are grateful for our families who support us in our public service. The public may identify us by "fancy titles," like representative or senator or judge. But the titles that our loved ones give us are far more dear. My heart just melts when my grandkids call me "Mimi."

Ultimately, you and I all owe a debt of gratitude to the people of our great state of Missouri for entrusting us to be their public servants. I imagine our younger selves never dreamed of such incredible opportunities or such tremendous responsibilities.

I am grateful for our time together this morning. Please take care of yourselves this session. It is stressful, and easy to dwell on conflicts and negativity. So I encourage you – just as I encourage my family at Sunday dinners – to focus on gratitude.

God bless you, and God bless this great state of Missouri, the home of our Kansas City Chiefs!!!

On motion of Senator O’Laughlin, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Thompson Rehder.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following members to act with a like committee from the Senate pursuant to **HCR 37**. Representatives: Christofanelli, Gray, Burnett, Anderson, Haffner, Atchison, Morse, Roberts, Riley, Nurrenbern, and Lavender.

On motion of Senator O’Laughlin, the Senate recessed until 1:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Rowden.

SENATE BILLS FOR PERFECTION

At the request of Senator Hough, **SB 748** was placed on the Informal Calendar.

At the request of Senator Koenig, **SB 727**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Coleman, **SJR**s **74, 48, 59, 61, and 83**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Bernskoetter, **SB 745** was placed on the Informal Calendar.

At the request of Senator Trent, **SB 802** was placed on the Informal Calendar.

At the request of Senator Luetkemeyer, **SB**s **754, 746, 788, 765, 841, 887, and 861**, with **SCS**, was placed on the Informal Calendar.

SB 739 was placed on the Informal Calendar.

At the request of Senator Fitzwater, **SB 799**, with **SCS**, was placed on the Informal Calendar.

Senator Coleman moved that **SB 1168** and **SB 810**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB**s **1168** and **810**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1168 and 810

An Act to repeal sections 188.220, 208.152, 208.153, 208.164, and 208.659, RSMo, and to enact in lieu thereof six new sections relating to health care, with an emergency clause.

Was taken up.

Senator Coleman moved that **SCS** for **SB**s **1168** and **810** be adopted.

Senator Coleman offered SS for SCS for SBs 1168 and 810, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1168 and 810

An Act to repeal sections 188.220, 208.152, 208.153, 208.164, and 208.659, RSMo, and to enact in lieu thereof six new sections relating to health care, with an emergency clause.

Senator Coleman moved that SS for SCS for SBs 1168 and 810 be adopted.

Senator Fitzwater assumed the Chair.

Senator McCreery offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1168 and 810, Page 1, Section A, Line 4, by inserting after all of said line the following:

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

2. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman, except in cases of medical emergency **or in cases where the pregnancy was the result of a woman being a victim of rape**. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

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

4. The enactment of this section shall only become effective upon notification to the revisor of statutes by an opinion by the attorney general of Missouri, a proclamation by the governor of Missouri, or the adoption of a concurrent resolution by the Missouri general assembly that:

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

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

(3) The United States Congress has enacted a law that has the effect of restoring or granting to the state of Missouri the authority to regulate abortion to the extent set forth in this section.”; and

Further amend the title and enacting clause accordingly.

Senator McCreery moved that the above amendment be adopted.

Senator McCreery offered SA 1 to SA 1:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1168 and 810, Page 1, Section 188.017, Line 9, by inserting after the word “rape” the following: “or incest”.

Senator McCreery moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Arthur, Beck, Razer, and Rizzo.

Senator Rowden assumed the Chair.

SA 1 to SA 1 failed of adoption by the following vote:

YEAS—Senators						
Arthur	Beck	May	McCreery	Mosley	Razer	Rizzo
Roberts	Washington	Williams—10				
NAYS—Senators						
Bean	Black	Brattin	Brown (16th Dist.)	Brown (26th Dist.)	Carter	Cierpiot
Coleman	Crawford	Eigel	Eslinger	Fitzwater	Gannon	Hoskins
Koenig	Luetkemeyer	Moon	O’Laughlin	Rowden	Schroer	Thompson Rehder
Trent—22						
Absent—Senators						
Bernskoetter	Hough—2					
Absent with leave—Senators—None						
Vacancies—None						

Senator McCreery moved that SA 1 be adopted and requested a roll call vote be taken. She was joined in her request by Senators Arthur, May, Rizzo, and Williams.

SA 1 failed of adoption by the following vote:

YEAS—Senators						
Arthur	Beck	May	McCreery	Mosley	Razer	Rizzo
Roberts	Washington	Williams—10				
NAYS—Senators						
Bean	Black	Brattin	Brown (16th Dist.)	Brown (26th Dist.)	Carter	Coleman
Crawford	Eigel	Eslinger	Fitzwater	Gannon	Hoskins	Koenig
Luetkemeyer	Moon	O’Laughlin	Rowden	Schroer	Thompson Rehder	Trent—21
Absent—Senators						
Bernskoetter	Cierpiot	Hough—3				

Absent with leave—Senators—None

Vacancies—None

Senator Bean assumed the Chair.

Senator Beck offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1168 and 810, Page 1, Section A, Line 4, by inserting after all of said line the following:

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

2. Notwithstanding any other provision of law to the contrary, no abortion shall be performed or induced upon a woman, except in cases of medical emergency **or in cases where the woman is twelve years old or younger**. Any person who knowingly performs or induces an abortion of an unborn child in violation of this subsection shall be guilty of a class B felony, as well as subject to suspension or revocation of his or her professional license by his or her professional licensing board. A woman upon whom an abortion is performed or induced in violation of this subsection shall not be prosecuted for a conspiracy to violate the provisions of this subsection.

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

4. The enactment of this section shall only become effective upon notification to the revisor of statutes by an opinion by the attorney general of Missouri, a proclamation by the governor of Missouri, or the adoption of a concurrent resolution by the Missouri general assembly that:

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

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

(3) The United States Congress has enacted a law that has the effect of restoring or granting to the state of Missouri the authority to regulate abortion to the extent set forth in this section.”; and

Further amend the title and enacting clause accordingly.

Senator Beck moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators May, Razer, Rizzo, and Washington.

Senator Bean assumed the Chair.

Senator Trent assumed the Chair.

Senator Bean assumed the Chair.

Senator Brattin offered **SA 1** to **SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1168 and 810, Page 2, Section 2, Line 42, by inserting after “and” the following:

“Further amend said bill, page 2, section 188.220, line 18, by inserting after all of said line the following:

“191.1720. 1. This section shall be known and may be cited as the “Missouri Save Adolescents from Experimentation (SAFE) Act”.

2. For purposes of this section, the following terms mean:

(1) “Biological sex”, the biological indication of male or female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender;

(2) “Cross-sex hormones”, testosterone, estrogen, or other androgens given to an individual in amounts that are greater or more potent than would normally occur naturally in a healthy individual of the same age and sex;

(3) “Gender”, the psychological, behavioral, social, and cultural aspects of being male or female;

(4) “Gender transition”, the process in which an individual transitions from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes;

(5) “Gender transition surgery”, a surgical procedure performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures that sterilize, including, but not limited to, castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy;

(b) Surgical procedures that artificially construct tissue with the appearance of genitalia that differs from the individual's biological sex, including, but not limited to, metoidioplasty, phalloplasty, or vaginoplasty; or

(c) Augmentation mammoplasty or subcutaneous mastectomy;

(6) “Health care provider”, an individual who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

(7) “Puberty-blocking drugs”, gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone secretion and follicle stimulating hormone secretion, synthetic antiandrogen drugs to block the androgen receptor, or any other drug used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.

3. A health care provider shall not knowingly perform a gender transition surgery on any individual under eighteen years of age.

4. (1) A health care provider shall not knowingly prescribe or administer cross-sex hormones or puberty-blocking drugs for the purpose of a gender transition for any individual under eighteen years of age.

(2) The provisions of this subsection shall not apply to the prescription or administration of cross-sex hormones or puberty-blocking drugs for any individual under eighteen years of age who was prescribed or administered such hormones or drugs prior to August 28, 2023, for the purpose of assisting the individual with a gender transition.

[(3) The provisions of this subsection shall expire on August 28, 2027.]

5. The performance of a gender transition surgery or the prescription or administration of cross-sex hormones or puberty-blocking drugs to an individual under eighteen years of age in violation of this section shall be considered unprofessional conduct and any health care provider doing so shall have his or her license to practice revoked by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

6. (1) The prescription or administration of cross-sex hormones or puberty-blocking drugs to an individual under eighteen years of age for the purpose of a gender transition shall be considered grounds for a cause of action against the health care provider. The provisions of chapter 538 shall not apply to any action brought under this subsection.

(2) An action brought pursuant to this subsection shall be brought within fifteen years of the individual injured attaining the age of twenty-one or of the date the treatment of the injury at issue in the action by the defendant has ceased, whichever is later.

(3) An individual bringing an action under this subsection shall be entitled to a rebuttable presumption that the individual was harmed if the individual is infertile following the prescription or administration of cross-sex hormones or puberty-blocking drugs and that the harm was a direct result of the hormones or drugs prescribed or administered by the health care provider. Such presumption may be rebutted only by clear and convincing evidence.

(4) In any action brought pursuant to this subsection, a plaintiff may recover economic and noneconomic damages and punitive damages, without limitation to the amount and no less than five hundred thousand dollars in the aggregate. The judgment against a defendant in an action brought pursuant to this subsection shall be in an amount of three times the amount of any economic and noneconomic damages or punitive damages assessed. Any award of damages in an action brought pursuant to this subsection to a prevailing plaintiff shall include attorney's fees and court costs.

(5) An action brought pursuant to this subsection may be brought in any circuit court of this state.

(6) No health care provider shall require a waiver of the right to bring an action pursuant to this subsection as a condition of services. The right to bring an action by or through an individual under the age of eighteen shall not be waived by a parent or legal guardian.

(7) A plaintiff to an action brought under this subsection may enter into a voluntary agreement of settlement or compromise of the action, but no agreement shall be valid until approved by the court. No agreement allowed by the court shall include a provision regarding the nondisclosure or confidentiality of the terms of such agreement unless such provision was specifically requested and agreed to by the plaintiff.

(8) If requested by the plaintiff, any pleadings, attachments, or exhibits filed with the court in any action brought pursuant to this subsection, as well as any judgments issued by the court in such actions, shall not include the personal identifying information of the plaintiff. Such information shall be provided in a confidential information filing sheet contemporaneously filed with the court or entered by the court, which shall not be subject to public inspection or availability.

7. The provisions of this section shall not apply to any speech protected by the First Amendment of the United States Constitution.

8. The provisions of this section shall not apply to the following:

(1) Services to individuals born with a medically-verifiable disorder of sex development, including, but not limited to, an individual with external biological sex characteristics that are irresolvably ambiguous, such as those born with 46,XX chromosomes with virilization, 46,XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed an individual with a disorder of sex development and determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition surgery or the prescription or administration of cross-sex hormones or puberty-blocking drugs regardless of whether the surgery was performed or the hormones or drugs were prescribed or administered in accordance with state and federal law; or

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless surgery is performed.”; and”.

Senator Brattin moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Carter, Crawford, Eigel, and Moon.

Senator Thompson Rehder assumed the Chair.

Senator Beck raised the point of order that **SA 1 to SA 2** is not germane to the underlying bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SBs 1168 and 810**, with **SCS, SS for SCS, SA 2, SA 1 to SA 2**, and the point of order (pending), on the Informal Calendar.

INTRODUCTION OF GUESTS

Senator Arthur introduced to the Senate, President of the Missouri State Medical Association, Dr. Lancer Gates; medical students, Mikayla Lebo; and Harita Abraham.

Senator Bernskoetter introduced to the Senate, Brad and Jennifer McCord.

The President and Senator Hough introduced to the Senate, MSU's Citizen Scholars Award recipients, Tyler Crane, Buffalo; Heather Day, Texas; Susan Hardy, Nixa; Triona Leach, Oakville; Sara McCord, California; and Erik Netzer, Greenfield.

Senator Brown (26) introduced to the Senate, Presiding Commissioner of Warren County, Joe Gildehaus; and Presiding Commissioner of Franklin County, Tim Brinker.

Senator Thompson Rehder introduced to the Senate, Alex and Angela Bryant, Springfield.

On motion of Senator Bean, the Senate adjourned under the rules.

SENATE CALENDAR

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NINETEENTH DAY—THURSDAY, FEBRUARY 8, 2024
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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1372-Eigel	SB 1385-Schroer
SB 1373-Thompson Rehder	SB 1386-McCreery
SB 1374-Gannon	SB 1387-Moon
SB 1375-Eslinger	SB 1388-Razer
SB 1376-Moon	SB 1389-Crawford
SB 1377-Cierpiot	SB 1390-Schroer
SB 1378-Arthur	SB 1391-Luetkemeyer
SB 1379-Arthur	SB 1392-Trent
SB 1380-Washington	SJR 84-Mosley
SB 1381-Washington	SJR 85-Cierpiot
SB 1382-Washington	SJR 86-Carter
SB 1383-Carter	SJR 87-Koenig
SB 1384-Thompson Rehder	

HOUSE BILLS ON SECOND READING

HCS for HB 1989

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 727-Koenig, with SCS
SB 739-Cierpiot
SB 745-Bernskoetter
SB 748-Hough
SBs 754, 746, 788, 765, 841, 887
& 861-Luetkemeyer, with SCS

SB 799-Fitzwater, with SCSSB 802-Trent
SBs 1168 & 810-Coleman, with SCS, SS for
SCS, SA 2, SA 1 to SA 2 & point of order (pending)
SJR 74, 48, 59, 61 & 83-Coleman, with SCS

RESOLUTIONS

SR 557-Eigel
SR 558-Eigel
SR 561-Moon
SR 562-Moon

SR 563-Moon
SR 631-May
SR 647-Coleman

To be Referred

SCR 27-Arthur

SCR 31-Coleman

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