

SECOND REGULAR SESSION

# SENATE BILL NO. 586

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Pre-filed December 4, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2182.02I

## AN ACT

To repeal sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, and to enact in lieu thereof five new sections relating to intact dilation and extraction procedures, with a penalty provision.

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

Section A. Sections 188.015, 188.030, 188.035 and 188.075, RSMo 1994, are repealed and five new sections enacted in lieu thereof, to be known as sections 188.015, 188.030, 188.033, 188.035 and 188.075, to read as follows:

188.015. [Unless the language or context clearly indicates a different meaning is intended, the following words or phrases for the purposes of sections 188.010 to 188.130 shall be given the meaning ascribed to them] **As used in this chapter, the following terms shall mean:**

- (1) "Abortion", the intentional destruction of the life of an embryo or fetus in his or her mother's womb or the intentional termination of the pregnancy of a mother with an intention other than to increase the probability of a live birth or to remove a dead or dying unborn child;
- (2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed other than a hospital;
- (3) "Conception", the fertilization of the ovum of a female by a sperm of a male;
- (4) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;
- (5) **"Partial birth abortion", a medical procedure, entitled an intact dilation and extraction, performed on a viable fetus after the twenty-second week of gestation. The procedure involves all of the following elements: deliberate dilation of the cervix,**

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

**usually over a sequence of days; instrumental conversion of the fetus to a footling breech; breech extraction of the body excepting the head; and partial evacuation of the intracranial contents of a viable fetus to effect vaginal delivery of a dead but otherwise intact fetus;**

(6) "Physician", any person licensed to practice medicine in this state by the state board of registration of the healing arts;

[(6)] (7) "Unborn child", the offspring of human beings from the moment of conception until birth and at every stage of its biological development, including the human conceptus, zygote, morula, blastocyst, embryo, and fetus;

[(7)] (8) "Viability", that stage of fetal development when the life of the unborn child may be continued indefinitely outside the womb by natural or artificial life-supportive systems.

188.030. 1. No abortion of a viable unborn child, **except for a partial birth abortion as defined in subdivision (15) of section 188.015**, shall be performed unless necessary to preserve the life or health of the woman. Before a physician may perform an abortion upon a pregnant woman after such time as her unborn child has become viable, such physician shall first certify in writing that the abortion is necessary to preserve the life or health of the woman and shall further certify in writing the medical indications for such abortion and the probable health consequences.

2. Any physician who performs an abortion upon a woman carrying a viable unborn child shall utilize the available method or technique of abortion most likely to preserve the life and health of the unborn child. In cases where the method or technique of abortion which would most likely preserve the life and health of the unborn child would present a greater risk to the life and health of the woman than another available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

3. An abortion of a viable unborn child shall be performed or induced only when there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the **second** physician required by this section to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life and health of the viable unborn child; provided that it does not pose an increased risk to the life or health of the woman.

**188.033. No physician shall intentionally perform a partial birth abortion unless necessary to preserve the life of the mother. Any physician who violates the provisions of this section is guilty of a class D felony.**

188.035. Whoever, with intent to do so, shall take the life of a child aborted alive[, shall be] **is** guilty of murder [of] **in** the second degree.

188.075. Any person who contrary to the provisions of sections 188.010 to 188.085 knowingly performs or aids in the performance of any abortion or knowingly fails to perform any action required by sections 188.010 to 188.085 [shall be] **is** guilty of a class A misdemeanor, **unless a different penalty is specifically provided in the section** and, upon conviction, shall be punished as provided by law.

✓

Unofficial

Bill

Copy