

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 41

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:

1 Section A. Chapter 188, RSMo, is amended by adding thereto
2 one new section, to be known as section 188.125, to read as
3 follows:

4 188.125. 1. It is the intent of the general assembly to
5 acknowledge the right of an alternatives to abortion agency to
6 operate freely and engage in speech without governmental
7 interference as protected by the constitution of the United
8 States and the constitution and laws of Missouri, the right of a
9 person not to be compelled by the government to participate in
10 abortion contrary to his, her, or its religious beliefs or moral
11 convictions, and that the constitution of the United States and
12 the constitution and laws of Missouri shall be interpreted,
13 construed, applied, and enforced to fully protect such rights.

14 2. A political subdivision of this state is preempted from
15 enacting, adopting, maintaining, or enforcing any order,
16 ordinance, rule, regulation, policy, or other similar measure
17 that prohibits, restricts, limits, controls, directs, interferes
18 with, or otherwise adversely affects an alternatives to abortion

1 agency or its officers', agents', employees', or volunteers'
2 operations or speech including, but not limited to, counseling,
3 referrals, or education of, advertising or information to, or
4 other communications with, clients, patients, other persons, or
5 the public.

6 3. Nothing in subsection 2 of this section shall preclude
7 or preempt a political subdivision of this state from exercising
8 its lawful authority to regulate zoning or land use or to enforce
9 a building or fire code regulation; provided that, such political
10 subdivision treats an alternatives to abortion agency in the same
11 manner as a similarly situated agency and that such authority is
12 not used to circumvent the intent of subsection 2 of this
13 section.

14 4. A political subdivision of this state is preempted from
15 enacting, adopting, maintaining, or enforcing any order,
16 ordinance, rule, regulation, policy, or other similar measure
17 that has the purpose or effect of requiring a person to directly
18 or indirectly participate in abortion if such participation is
19 contrary to the religious beliefs or moral convictions of such
20 person.

21 5. A political subdivision of this state is preempted from
22 enacting, adopting, maintaining, or enforcing any order,
23 ordinance, rule, regulation, policy, or other similar measure
24 requiring a real estate broker, real estate salesperson, real
25 estate broker-salesperson, appraisal firm, appraiser, as such
26 terms are defined in chapter 339, a property owner, or any other
27 person to buy, sell, exchange, purchase, rent, lease, advertise
28 for, or otherwise conduct real estate transactions for, to, or

1 with an abortion facility or for, to, or with a person for the
2 purpose of performing or inducing an abortion not necessary to
3 save the life of the mother, if such requirement is contrary to
4 the religious beliefs or moral convictions of such real estate
5 broker, real estate salesperson, real estate broker-salesperson,
6 appraisal firm, appraiser, property owner, or other person.

7 6. A political subdivision of this state is preempted from
8 enacting, adopting, maintaining, or enforcing any order,
9 ordinance, rule, regulation, policy, or other similar measure
10 requiring an employer, employee, health plan provider, health
11 plan sponsor, health care provider, or any other person to
12 provide coverage for or to participate in a health plan that
13 includes benefits that are not otherwise required by state law.

14 7. In any action to enforce the provisions of this section,
15 a court of competent jurisdiction may order injunctive or other
16 equitable relief, recovery of damages or other legal remedies, or
17 both, as well as payment of reasonable attorney's fees, costs,
18 and expenses. The relief and remedies set forth shall not be
19 deemed exclusive and shall be in addition to any other relief or
20 remedies permitted by law.

21 8. In addition to a private cause of action by a person
22 whose rights are violated contrary to the provisions of this
23 section, the attorney general is also authorized to bring a cause
24 of action to defend the rights guaranteed under this section.

25 9. Nothing in this section shall be construed to prohibit a
26 political subdivision from enacting, adopting, maintaining, or
27 enforcing any order, ordinance, rule, regulation, policy, or
28 other similar measure to assist pregnant women to carry their

1 unborn children to term or to assist women in caring for their
2 dependent children or placing their children for adoption
3 including, but not limited to, by funding or otherwise assisting
4 an alternatives to abortion agency to provide services to such
5 women and children.

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

7 (1) "Alternatives to abortion agency":

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

9 (b) A pregnancy resource center as defined in section
10 135.630; or

11 (c) An agency or entity that has the primary purpose of
12 providing services or counseling to pregnant women to assist such
13 women in carrying their unborn children to term instead of having
14 abortions and to assist such women in caring for their dependent
15 children or placing their children for adoption, as described in
16 section 188.325, regardless of whether such agency or entity is
17 receiving funding or reimbursement from the state for such
18 purposes;

19 (2) "Participate in abortion":

20 (a) To undergo an abortion; or

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

25 Section B. Because of the immediate need to protect the
26 right to life of persons in this state, the enactment of section
27 188.125 of section A of this act is deemed necessary for the
28 immediate preservation of the public health, welfare, peace, and

1 safety, and is hereby declared to be an emergency act within the
2 meaning of the constitution, and the enactment of section 188.125
3 of section A of this act shall be in full force and effect upon
4 its passage and approval.