

SECOND REGULAR SESSION

# SENATE BILL NO. 651

100TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR EIGEL.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3863S.01I

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## AN ACT

To repeal section 188.036, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

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

Section A. Section 188.036, RSMo, is repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 188.036, 188.127, and 227.225,  
3 to read as follows:

188.036. 1. No physician shall perform an abortion on a woman if the  
2 physician knows that the woman conceived the unborn child for the purpose of  
3 providing fetal organs or tissue for medical transplantation to herself or another,  
4 and the physician knows that the woman intends to procure the abortion to  
5 utilize those organs or tissue for such use for herself or another.

6 2. No person shall utilize the fetal organs or tissue resulting from an  
7 abortion for medical transplantation, if the person knows that the abortion was  
8 procured for the purpose of utilizing those organs or tissue for such use.

9 3. No person shall offer any inducement, monetary or otherwise, to a  
10 woman or a prospective father of an unborn child for the purpose of conceiving  
11 an unborn child for the medical, scientific, experimental or therapeutic use of the  
12 fetal organs or tissue.

13 4. No person shall offer any inducement, monetary or otherwise, to the  
14 mother or father of an unborn child for the purpose of procuring an abortion for  
15 the medical, scientific, experimental or therapeutic use of the fetal organs or  
16 tissue.

17 5. No person shall knowingly offer or receive any valuable consideration  
18 for the fetal organs or tissue resulting from an abortion, provided that nothing  
19 in this subsection shall prohibit payment for burial or other final disposition of

20 the fetal remains, or payment for a pathological examination, autopsy or  
21 postmortem examination of the fetal remains.

22       **6. Notwithstanding any other provision of law to the contrary,**  
23 **any person who violates the provisions of this section shall be guilty of**  
24 **a class E felony, as well as subject to suspension or revocation of his or**  
25 **her professional license by his or her professional licensing board.**

26       **7. If any provision in this section or the application thereof to any person,**  
27 **circumstance or period of gestation is held invalid, such invalidity shall not affect**  
28 **the provisions or applications which can be given effect without the invalid**  
29 **provision or application, and to this end the provisions of this section are declared**  
30 **severable.**

188.127. 1. In accordance with the provisions of sections 188.010  
2 and 188.125, the state of Missouri shall serve as a "sanctuary for life"  
3 state.

4       **(1) No woman shall be coerced or compelled by pressure or**  
5 **threat, physical or otherwise, to undergo an abortion in this state**  
6 **without her consent.**

7       **(2) No individual or entity shall transport or arrange to**  
8 **transport a woman across state lines for the purpose of obtaining an**  
9 **abortion without the woman's consent.**

10       **(3) No law enforcement official or other government official shall**  
11 **aid or otherwise comply with a request from another individual or**  
12 **entity inside or outside of the state to coerce or compel a woman to**  
13 **have an abortion without her consent.**

14       **(4) No health care provider shall perform or induce or assist in**  
15 **the performing or inducing of an abortion without the woman's**  
16 **consent.**

17       **(5) No political subdivision of this state shall enact, adopt,**  
18 **maintain, or enforce any order, ordinance, rule, regulation, policy, or**  
19 **other similar measure that has the purpose or effect of discriminating**  
20 **against a woman who chooses not to undergo an abortion or that has**  
21 **the purpose or effect of promoting any action otherwise prohibited**  
22 **under this section.**

23       **2. The department shall develop a website containing**  
24 **information on Missouri's status as a "sanctuary for life" state and the**  
25 **protections and resources offered by the state to promote such**  
26 **sanctuary state, including, but not limited to, the following:**

- 27           (1) The policies and prohibitions set forth in this section;
- 28           (2) A summary of Missouri's abortion laws and regulations;
- 29           (3) Missouri's informed consent informational materials  
30 developed under section 188.027;
- 31           (4) Information on public and private agencies available, on a  
32 geographic basis, to assist a woman in carrying her unborn child to  
33 term and to assist her in caring for her dependent child or placing her  
34 child for adoption, including pregnancy resource centers, crisis  
35 pregnancy centers, maternity homes, and adoption agencies, provided  
36 that such information shall not include any programs, services,  
37 organizations, or affiliates of organizations that perform or induce, or  
38 assist in the performing or inducing of abortions or that refer for  
39 abortions; and
- 40           (5) Information on programs and services available to pregnant  
41 women and mothers of newborn children offered by public or private  
42 agencies that assist a woman in carrying her unborn child to term and  
43 assist her in caring for her dependent child or placing her child for  
44 adoption, including prenatal care; maternal health care; newborn or  
45 infant care; mental health services; professional counseling services;  
46 housing programs; utility assistance; transportation services; food,  
47 clothing, and supplies related to pregnancy; parenting skills;  
48 educational programs; job training and placement services; drug and  
49 alcohol testing and treatment; and adoption assistance.
- 50           3. In any action to enforce the provisions of this section, a court  
51 of competent jurisdiction may order injunctive or other equitable  
52 relief, recovery of damages, or other legal remedies, or both, as well as  
53 payment of reasonable attorney's fees, costs, and expenses. The relief  
54 and remedies set forth shall not be deemed exclusive and shall be in  
55 addition to any other relief or remedies permitted by law.
- 56           4. In addition to a private cause of action by a person whose  
57 rights are violated contrary to the provisions of this section, the  
58 attorney general is also authorized to bring a cause of action to defend  
59 the rights guaranteed under this section.
- 60           5. It shall be an affirmative defense for any person alleged to  
61 have violated the provisions of subsection 1 of this section that the  
62 person performed or induced, or assisted in the performing or inducing  
63 of, an abortion or transported or arranged to transport a woman across

64 state lines for the purpose of obtaining an abortion because of a  
65 medical emergency. The defendant shall have the burden of persuasion  
66 that the defense is more probably true than not.

227.225. The department of transportation shall erect and  
2 maintain appropriate signage affirming the state's status as a  
3 "sanctuary for life" state. The department may collaborate with the  
4 department of health and senior services to design the signs. The  
5 highways and transportation commission shall determine the number  
6 and placement of the signs, subject to appropriations; provided, that  
7 such signs be evenly distributed throughout the state and located, at a  
8 minimum, along major highways or interstates on the state's borders.

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Bill

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