

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 100
93RD GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 9, 2005, with recommendation that the Senate Committee Substitute do pass.

0342S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 188.080 and 197.200, RSMo, and to enact in lieu thereof two new sections relating to abortion, with penalty provisions.

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

Section A. Sections 188.080 and 197.200, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 188.080 and 197.200, to read as
3 follows:

188.080. Notwithstanding any other penalty provision in this chapter, any person
2 who is not a licensed physician as defined in section 188.015 who performs **or induces**
3 or attempts to perform **or induce** an abortion on another as defined in subdivision (1)
4 of section 188.015, is guilty of a [class B felony] **class A misdemeanor**, and, upon
5 conviction, shall be punished as provided by law. Any physician performing **or**
6 **inducing** an abortion who does not have [surgical] **clinical** privileges at a hospital
7 which offers obstetrical or gynecological care **located within thirty miles of the**
8 **location at which the abortion is performed or induced** shall be guilty of a [class
9 B felony] **class A misdemeanor**, and, upon conviction shall be punished as provided
10 by law.

197.200. As used in sections 197.200 to 197.240, unless the context clearly
2 indicates otherwise, the following terms mean:

3 (1) "Ambulatory surgical center", any public or private establishment operated
4 primarily for the purpose of performing surgical procedures or primarily for the purpose
5 of performing childbirths **or any establishment operated for the purpose of**
6 **performing or inducing any second or third-trimester abortions or five or**
7 **more first-trimester abortions per month**, and which does not provide services or

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

8 other accommodations for patients to stay more than twenty-three hours within the
9 establishment, provided, however, that nothing in this definition shall be construed to
10 include the offices of dentists currently licensed pursuant to chapter 332, RSMo;

11 (2) "Dentist", any person currently licensed to practice dentistry pursuant to
12 chapter 332, RSMo;

13 (3) "Department", the department of health and senior services;

14 (4) "Governmental unit", any city, county or other political subdivision of this
15 state, or any department, division, board or other agency of any political subdivision of
16 this state;

17 (5) "Person", any individual, firm, partnership, corporation, company, or
18 association and the legal successors thereof;

19 (6) "Physician", any person currently licensed to practice medicine pursuant to
20 chapter 334, RSMo;

21 (7) "Podiatrist", any person currently licensed to practice podiatry pursuant to
22 chapter 330, RSMo.

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