

HCS SS SCS SB 2 -- ABORTION REGULATIONS

SPONSOR: Loudon (Cunningham, 86)

COMMITTEE ACTION: Voted "do pass" by the Committee on Children and Families by a vote of 7 to 3.

This substitute adds the definitions of "department" and "medical emergency" to the laws regarding the regulation of abortions. It specifies that the term "next friend" as it relates to consent to an abortion for a minor does not include another minor child or any person who has a financial interest or personal gain from a minor's decision to have an abortion.

A penalty provision is revised pertaining to the performance of actions contrary to current law and the nonperformance of required actions under current law. The defense of performing or not performing an action because of a medical emergency is established.

The substitute prohibits a person from intentionally causing, aiding, or assisting a minor to obtain an abortion without the consent from a parent or a judicial decree. Any person who is subject to the jurisdiction of the State of Missouri and violates this provision will be civilly liable to persons adversely affected by the action. If civil liability is established, a court may award damages, including compensation for emotional injury, attorney fees, and court costs to any person adversely affected. However, damages may not be awarded to any person who engages in or consents to the minor engaging in the sex act which results in the minor's pregnancy.

A person is not allowed to assert as a defense a claim that the abortion was performed in accordance with the required consent of the state or the place where the abortion was performed. An unemancipated minor is prohibited from having the capacity to consent to any action in violation of the substitute or Section 188.028, RSMo.

A court may enjoin conduct in violation of the substitute upon a petition by the Attorney General, a prosecuting attorney, a circuit attorney, or a person adversely affected or who may be adversely affected. In order for a court to enjoin any violation, there must be a showing that the conduct has occurred in the past and that it is not unreasonable to expect that it will be repeated or that it is reasonably anticipated to occur in the future.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.

PROPONENTS: Supporters say the House committee substitute will prohibit someone from providing assistance to a minor, without her parents' consent, in obtaining an abortion in Illinois. A clinic in Granite City, Illinois, actively solicits underage Missouri girls to travel across state lines to obtain an abortion where parental consent is not required.

Testifying for the bill was Senator Loudon.

OPPONENTS: Those who oppose the House committee substitute say that they are concerned as to why most of the provisions in Senate Bill 2 are being removed without consulting any of the pro-life organizations. There is no need to seek a compromise when a majority of the members of the General Assembly are pro-life.

Testifying against the bill were Missouri Right to Life; Campaign Life Missouri; Missouri Catholic Conference; Alliance for Life-Missouri; Planned Parenthood of the St. Louis Region; and NARAL-Pro Choice Missouri.

OTHERS: Others testifying on the House committee substitute say that the Senate version will save the lives of many more babies. With overwhelming support in the House of Representatives and Senate, it is confusing as to the need of the House committee substitute.

Others testifying on the bill were Missouri Family Network; Missouri Baptist Convention; and Christian Life Convention.

Dominic Lackey, Legislative Analyst