

FIRST EXTRAORDINARY SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Children and Families September 7, 2005, with recommendation that the House Committee Substitute for House Bill No. 1 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

2501L.03C

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**AN ACT**

To repeal section 188.080, RSMo, and to enact in lieu thereof three new sections relating to abortion regulations and services for minors, with penalty provisions and an emergency clause.

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

Section A. Section 188.080, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 188.031, 188.080, and 188.250, to read as follows:

**188.031. For purposes of section 188.028 "next friend" shall not include another minor child, or any entity or person in an individual or representative capacity that has a financial interest or potential gain from the proposed abortion, or any employee of or volunteer for such entity or person.**

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

**188.250. 1. No person shall intentionally cause, aid, or assist a minor to obtain an abortion without the consent or consents, or judicial decree, required by section 188.028,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

3 **RSMo.**

4       **2. A person who violates subsection 1 of this section shall be civilly liable to the**  
5 **minor and to the person or persons required to give the consent or consents pursuant to**  
6 **section 188.028. A court may award damages to the person or persons adversely affected**  
7 **by a violation of subsection 1 of this section, including compensation for emotional injury**  
8 **without the need for personal presence at the act or event, and the court may further**  
9 **award attorneys' fees, litigation costs, and punitive damages. Any adult who engages in**  
10 **or consents to another person engaging in a sex act with a minor in violation of the**  
11 **provisions of chapter 566, 567, 568, or 573, RSMo, which results in the minor's pregnancy**  
12 **shall not be awarded damages pursuant to this section.**

13       **3. It shall not be a defense to a claim brought pursuant to this section that the**  
14 **abortion was performed or induced pursuant to consent to the abortion given in a manner**  
15 **that is otherwise lawful in the state or place where the abortion was performed or induced.**

16       **4. An unemancipated minor does not have capacity to consent to any action in**  
17 **violation of this section or section 188.028.**

18       **5. A court may enjoin conduct that would be in violation of this section upon**  
19 **petition by the attorney general, a prosecuting or circuit attorney, or any person adversely**  
20 **affected or who reasonably may be adversely affected by such conduct, upon a showing**  
21 **that such conduct:**

22       **(1) Is reasonably anticipated to occur in the future; or**

23       **(2) Has occurred in the past, whether with the same minor or others, and that it is**  
24 **not unreasonable to expect that such conduct will be repeated.**

      Section B. Because immediate action is necessary to ensure the health and safety of  
2 minors section A of this act is deemed necessary for the immediate preservation of the public  
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
5 passage and approval.