

HCS HB 1 -- ABORTION REGULATIONS

SPONSOR: Phillips (Cunningham, 86)

COMMITTEE ACTION: Voted "do pass" by the Committee on Children and Families by a vote of 8 to 2.

This substitute specifies that the term "next friend" as it relates to consent to abortion for minors 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 physician who performs an abortion and does not have clinical privileges to provide obstetrical or gynecological care at a hospital within 30 miles of the location where the abortion is performed is guilty of a class A misdemeanor. Currently, it is a class B felony.

The substitute also 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 cannot be awarded to any person who engages or consents to another person engaging in a sexual act with a minor who obtains an abortion.

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. The substitute also prohibits an unemancipated minor from having the capacity to consent to any action in violation of the substitute or Section 188.028, RSMo.

A court can 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, the substitute requires that 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.

The substitute contains an emergency clause.

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

PROPONENTS: Supporters say the bill will prohibit someone from providing assistance to a minor, without her parents' consent, in

obtaining an abortion in Illinois. By some estimates, 400 or more Missouri teens annually obtain abortions in Illinois. The Hope 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 were Representative Cunningham (86); Kathy Sparks; Mike Sparks; Melanie Mills; Shawn E. Regan; Alliance for Life-Missouri; Missouri Catholic Conference; Missouri Family Network; Missouri Baptist Convention, Christian Life Commission; and Campaign Life Missouri.

OPPONENTS: Those who oppose the bill say that if it becomes law it will hinder the ability for mentors, preachers, and teachers to provide guidance and counseling to young girls. If enacted, many young girls would injure themselves in attempting a self-induced abortion. The bill will open the door to lawsuits by allowing parents and the minor to sue grandparents, clergy members, mentors, and health care providers. Instead of wasting taxpayers' money on lawsuits, Missouri would be better served by helping more women prevent unintended pregnancies. The bill will eliminate Missouri citizens of the right to freedom of religion and create a civil cause of action against Missouri residents for engaging in conduct that is lawful and appropriate outside of Missouri borders.

Testifying against the bill were Missouri Religious Coalition for Reproductive Choice; Lise Saffran; NARAL-Pro Choice Missouri; Missouri Women's Network; Missouri National Organization for Women; St. Louis Rabbinical Association; Association of Reform Rabbis; American Civil Liberties Union of Eastern Missouri; Planned Parenthood of Southwest Missouri; and Reverend Janice Edwards Barnes.

OTHERS: Others testifying on the bill say Missouri should take a proactive stance and eliminate abortions. Most teenagers who obtain an abortion at the Hope Clinic, do so because of the stress of family issues at home.

Others testifying on the bill were Hope Clinic for Women; Ruth Arrick; and Angela Michael.

Dominic Lackey, Legislative Analyst