

HB 1 -- Abortion Regulations

Sponsor: Cunningham (86)

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

A court can enjoin conduct in violation of the bill 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 bill 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 bill contains an emergency clause.