

HB 4 -- Abortion Regulations and Services for Minors

Sponsor: Harris (110)

PUBLIC FUNDS

This bill prohibits the expenditure of public funds to existing or proposed health and social services programs that directly or indirectly subsidize abortion services. An entity that is affiliated with another entity that provides abortion services can only receive public funds if the affiliated entity is an independent affiliate.

Entities that provide counseling to pregnant women and receive public funds can only provide non-directive pregnancy counseling and cannot display or distribute material promoting abortion services. Entities that receive public funds are required to maintain records that demonstrate strict compliance with this section. An independent audit of these entities must be conducted at least once every three years. If the recipient of public funds is affiliated with an entity that provides abortion services, an audit must be conducted each year to ensure compliance. The bill includes exceptions for reimbursement to entities that provide services that are required under federal Medicaid regulations and certain services required under the federal Public Health Services Act.

PREGNANCY RESOURCE CENTERS

The bill allows a tax credit for contributions to support pregnancy resource centers. The credit is for 50% of the contribution, but cannot exceed \$50,000 per year. Any credit that cannot be claimed in the taxable year of the contribution can be carried over the next four years until the credit has been claimed. No more than a total of \$2 million can be claimed by all taxpayers in credits in any one year. A pregnancy resource center is a non-residential facility that provides assistance designed to support women and encourage birth over abortion. The center must be tax exempt, must provide direct person-to-person counseling at no cost, and cannot provide abortion referrals.

ABORTION REGULATIONS

The 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 can 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.

ALTERNATIVES TO ABORTION SERVICES

The Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program are established to provide services or counseling to pregnant women and assistance to women in caring for their children or placing them up for adoption. Counseling and services are available to a woman during her pregnancy and for one year after the birth of her child.

The department or departments to which the programs are assigned are required to develop an advertising campaign publicizing alternatives to abortion and to prioritize federal, public, and private moneys so that they are used first to fund these programs. These programs and their funds will not be used to perform, induce, or assist in abortions.

The bill contains an emergency clause.