

SB 1 -- ABORTION REGULATIONS

SPONSOR: Loudon (Cunningham, 86)

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

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.

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

PROPONENTS: Supporters say the legislation is necessary due to parental rights being trumped by the laws of a nearby state. The

bill will prohibit someone from providing assistance to a minor, without her parents' consent or judicial decree, in obtaining an abortion. 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. By some estimates, 400 or more Missouri teens annually obtain abortions in Illinois.

Testifying for the bill were Senator Loudon; Campaign Life Missouri; Missouri Catholic Conference; and Missouri Right to Life.

OPPONENTS: Those who oppose the bill say it is unconstitutionally vague in many aspects.

Testifying against the bill were Planned Parenthood of Kansas and Mid-Missouri; and Planned Parenthood Affiliates of Missouri.

Dominic Lackey, Legislative Analyst