

HCS HB 1339 -- MEDICAL MALPRACTICE

SPONSOR: Stevenson (Muschany)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 10 to 1.

This substitute changes the laws regarding medical malpractice by revising the definitions of "health care provider" to exclude persons, hospitals, or abortion facilities for medical malpractice claims that involve performing or inducing an abortion that is not the result of a medical emergency and "health care services" to exclude services involved in performing or inducing an abortion that is not the result of a medical emergency.

The substitute specifies that the General Assembly will not provide civil liability protections to health care providers who perform or induce abortions that are not the result of medical emergencies.

FISCAL NOTE: No impact on state funds in FY 2009, FY 2010, and FY 2011.

PROPOSERS: Supporters say that the bill removes the caps on tort lawsuits due to pain and suffering which are the most significant damages associated with abortion procedures. The bill will be an added disincentive to abortion in Missouri. The current tort law disadvantages those suing for damages related to abortion procedures because the law requires plaintiffs to procure an affidavit from a colleague of the abortion doctor in order to file suit. Because there are so few abortion doctors in Missouri, it is an impediment to bringing a lawsuit. The long-term effects of abortion are damaging to women, especially women who have the procedure at a young age.

Testifying for the bill were Representative Muschany; Missouri Catholic Conference; Campaign Life Missouri; Missouri Family Network; and Missouri Right to Life.

OPPOSERS: Those who oppose the bill say that the bill discourages abortion providers and is a disincentive for getting an abortion which is an affront to the constitutionally protected right to reproductive freedom for women. The proponents are using misinformation and distorting the purported effects of abortion procedures.

Testifying against the bill were Planned Parenthood Affiliates in Missouri; NARAL Pro-Choice Missouri; and American Civil Liberties Union of Eastern Missouri.