

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1238
95TH GENERAL ASSEMBLY

3479L.08C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 188.027, 188.052, 188.055, and 188.070, RSMo, and to enact in lieu thereof ten new sections relating to abortion statistics, and pharmaceutical regulations, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 188.027, 188.052, 188.055, and 188.070, RSMo, are repealed and
2 ten new sections enacted in lieu thereof, to be known as sections 188.027, 188.052, 188.055,
3 188.070, 188.108, 334.245, 338.575, 565.310, 565.315, and 1, to read as follows:

188.027. **1.** No abortion shall be performed [except with the prior, informed and written
2 consent freely given of the pregnant woman.] **or induced on a woman without her voluntary**
3 **and informed consent, given freely and without coercion. Consent to an abortion is**
4 **voluntary and informed and given freely and without coercion, if and only if, at least**
5 **twenty-four hours prior to the abortion:**

6 (1) **The physician who is to perform or induce the abortion has informed the**
7 **woman, orally, reduced to writing, and in person, of the following:**

8 (a) **The name of the physician who will perform or induce the abortion;**

9 (b) **Medically accurate information that a reasonable patient would consider**
10 **material to the decision of whether or not to undergo the abortion, including:**

11 a. **A description of the proposed abortion method;**

12 b. **The immediate and long-term medical risks to the woman associated with the**
13 **proposed abortion method including, but not limited to, infection, hemorrhage, cervical**
14 **tear or uterine perforation, harm to subsequent pregnancies or the ability to carry a**
15 **subsequent child to term, and possible adverse psychological effects associated with the**
16 **abortion; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 c. The immediate and long-term medical risks to the woman, in light of the
18 anesthesia and medication that is to be administered, the unborn child's gestational age,
19 and the woman's medical history and medical condition;

20 (c) Alternatives to the abortion which shall include making the woman aware that
21 information and materials shall be provided to her detailing such alternatives to the
22 abortion;

23 (d) A statement that the physician performing or inducing the abortion is available
24 for any questions concerning the abortion, together with the telephone number that the
25 physician may be later reached to answer any questions that the woman may have;

26 (e) The location of the hospital that offers obstetrical or gynecological care located
27 within thirty miles of the location where the abortion is performed or induced and at which
28 the physician performing or inducing the abortion has clinical privileges and where the
29 woman may receive follow-up care by the physician if complications arise;

30 (f) The gestational age of the unborn child at the time the abortion is to be
31 performed or induced; and

32 (g) The anatomical and physiological characteristics of the unborn child at the time
33 the abortion is to be performed or induced;

34 (2) The physician who is to perform or induce the abortion or a qualified
35 professional has presented the woman, in person, printed materials provided by the
36 department or an informational video provided by the department, which describes the
37 probable anatomical and physiological characteristics of the unborn child at two-week
38 gestational increments from conception to full term, including color photographs or images
39 of the developing unborn child at two-week gestational increments. Such descriptions shall
40 include information about brain and heart functions, the presence of external members
41 and internal organs during the applicable stages of development and information on when
42 the unborn child is viable. The printed materials or informational video shall prominently
43 display the following statement: "The life of each human being begins at conception.
44 Abortion will terminate the life of a separate, unique, living human being.";

45 (3) The physician who is to perform or induce the abortion or a qualified
46 professional has presented the woman, in person, printed materials provided by the
47 department or an informational video provided by the department, which describes the
48 various surgical and drug-induced methods of abortion relevant to the stage of pregnancy,
49 as well as the immediate and long-term medical risks commonly associated with each
50 abortion method including, but not limited to, infection, hemorrhage, cervical tear or
51 uterine perforation, harm to subsequent pregnancies or the ability to carry a subsequent
52 child to term, and the possible adverse psychological effects associated with an abortion;

53 (4) The physician who is to perform or induce the abortion or a qualified
54 professional shall, at least twenty-four hours prior to the abortion, provide the woman with
55 the opportunity to view an active ultrasound of the unborn child and hear the heartbeat
56 of the unborn child if the heartbeat is audible. The woman shall be provided with a
57 geographically indexed list maintained by the department of health and senior services of
58 health care providers, facilities, and clinics that perform ultrasounds, including those that
59 offer ultrasound services free of charge. Such materials shall provide contact information
60 for each provider, facility, or clinic including telephone numbers and, if available, website
61 addresses. Should the woman decide to obtain an ultrasound from a provider, facility, or
62 clinic other than the abortion facility, the woman shall be offered a reasonable time to
63 obtain the ultrasound examination before the date and time set for performing or inducing
64 an abortion. The person conducting the ultrasound shall ensure that the active ultrasound
65 image is of a quality consistent with standard medical practice in the community, contains
66 the dimensions of the unborn child, and accurately portrays the presence of external
67 members and internal organs, if present or viewable, of the unborn child. The auscultation
68 of fetal heart tone must also be of a quality consistent with standard medical practice in the
69 community. If the woman chooses to view the ultrasound or hear the heartbeat, or both,
70 at the abortion facility, the viewing or hearing, or both, shall be provided to her at the
71 abortion facility at least twenty-four hours prior to the abortion being performed or
72 induced;

73 (5) Prior to an abortion being performed or induced on an unborn child of twenty-
74 two weeks of gestational age or older, the physician who is to perform or induce the
75 abortion or a qualified professional has presented the woman, in person, printed materials
76 provided by the department or an informational video provided by the department that
77 offers information on the possibility of the abortion causing pain to the unborn child. This
78 information shall include, but not be limited to the following:

79 (a) At least by twenty-two weeks of gestational age, the unborn child possesses all
80 the anatomical structures, including pain receptors, spinal cord, nerve tracts, thalamus,
81 and cortex, that are necessary in order to feel pain;

82 (b) A description of the actual steps in the abortion procedure to be performed or
83 induced, and at which steps the abortion procedure could be painful to the unborn child;

84 (c) There is evidence that by twenty-two weeks of gestational age, unborn children
85 seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted
86 as a response to pain;

87 (d) Anesthesia is given to unborn children who are twenty-two weeks or more
88 gestational age who undergo prenatal surgery;

89 (e) Anesthesia is given to premature children who are twenty-two weeks or more
90 gestational age who undergo surgery;

91 (f) Anesthesia or an analgesic is available in order to minimize or alleviate the pain
92 to the unborn child;

93 (6) The physician who is to perform or induce the abortion or a qualified
94 professional has presented the woman, in person, printed materials provided by the
95 department explaining to the woman alternatives to abortion she may wish to consider.
96 Such materials shall:

97 (a) Identify on a geographical basis public and private agencies available to assist
98 a woman in carrying her unborn child to term, and to assist her in caring for her
99 dependent child or placing her child for adoption, including agencies commonly known
100 and generally referred to as pregnancy resource centers, crisis pregnancy centers,
101 maternity homes, and adoption agencies. Such materials shall provide a comprehensive
102 list by geographical area of the agencies, a description of the services they offer, and the
103 telephone numbers and addresses of the agencies; provided that such materials shall not
104 include any programs, services, organizations or affiliates of organizations that perform
105 or induce, or assist in the performing or inducing, of abortions or refer for abortions;

106 (b) Explain the Missouri alternatives to abortion services program under section
107 188.325, and any other programs and services available to pregnant women and mothers
108 of newborn children offered by public and private agencies which assist a woman in
109 carrying her unborn child to term and assist her in caring for her dependent child or
110 placing her child for adoption, including, but not limited to prenatal care; maternal health
111 care; newborn or infant care; mental health services; professional counseling services;
112 housing programs; utility assistance; transportation services; food, clothing, and supplies
113 related to pregnancy; parenting skills; educational programs; job training and placement
114 services; drug and alcohol testing and treatment; and adoption assistance;

115 (c) Identify the state website for the Missouri alternatives to abortion services
116 program under section 188.325, and any toll-free number established by the state operated
117 in conjunction with the program;

118 (d) Prominently display the statement: "There are public and private agencies
119 willing and able to help you carry your child to term, and to assist you and your child after
120 your child is born, whether you choose to keep your child or place him or her for adoption.
121 The state of Missouri encourages you to contact those agencies before making a final
122 decision about abortion. State law requires that your physician or a qualified professional
123 give you the opportunity to call agencies like these before you undergo an abortion.";

(e) Prominently display the statement: "No one can coerce you to have an abortion. It is against the law for a husband, a boyfriend, a parent, a friend, a medical care provider, or any other person to coerce you in any way to have an abortion.";

(7) The physician who is to perform or induce the abortion or a qualified professional has presented the woman, in person, printed materials provided by the department or an informational video provided by the department explaining that the father of the unborn child is liable to assist in the support of the child, even in instances where he has offered to pay for the abortion. Such materials shall include information on the legal duties and support obligations of the father of a child, including, but not limited to, child support payments, and the fact that paternity may be established by the father's name on a birth certificate or statement of paternity, or by court action. Such printed materials or video shall also state that more information concerning paternity establishment and child support services and enforcement may be obtained by calling the family support division within the Missouri department of social services;

(8) The physician who is to perform or induce the abortion or a qualified professional shall inform the woman that it is unlawful for any person to coerce a woman to seek or obtain an abortion;

(9) The physician who is to perform or induce the abortion or a qualified professional shall inform the woman that she is free to withhold or withdraw her consent to the abortion at any time without affecting her right to future care or treatment and without the loss of any state or federally funded benefits to which she might otherwise be entitled; and

(10) The physician who is to perform or induce the abortion or a qualified professional properly and adequately screens the woman for any physical, emotional, or psychological conditions or circumstances which would make the performance or inducement of an abortion contraindicated or against medical advice based on standard medical practice, including but not limited to assessing whether any person may be coercing the woman to seek or obtain an abortion.

2. All information required to be provided to a woman considering abortion by subsection 1 of this section shall be presented to the woman individually, in the physical presence of the woman and in a private room, to protect her privacy, to maintain the confidentiality of her decision, to ensure that the information focuses on her individual circumstances, to ensure she has an adequate opportunity to ask questions, and to ensure that she is not a victim of coerced abortion. Should a woman be unable to read materials provided to her, they shall be read to her. Should a woman need an interpreter to understand the information presented in written materials or informational videos, an

160 interpreter shall be provided to her. Should a woman ask questions concerning any of the
161 information or materials, answers shall be provided in a language she can understand.

162 3. No abortion shall be performed or induced unless and until the woman upon
163 whom the abortion is to be performed or induced certifies in writing on a checklist form
164 provided by the department that she has been presented all the information required in
165 subsection 1 of this section, that she has been provided the opportunity to view an active
166 ultrasound image of the unborn child and hear the heartbeat of the unborn child if it is
167 audible, and that she further certifies that she gives her voluntary and informed consent,
168 freely and without coercion, to the abortion procedure.

169 4. No abortion shall be performed or induced on an unborn child of twenty-two
170 weeks of gestational age or older, unless and until the woman upon whom the abortion is
171 to be performed or induced has been provided the opportunity to choose to have an
172 anesthetic or analgesic administered to eliminate or alleviate pain to the unborn child
173 caused by the particular method of abortion to be performed or induced. The
174 administration of anesthesia or analgesics shall be performed in a manner consistent with
175 standard medical practice in the community.

176 5. No physician shall perform or induce an abortion unless and until the physician
177 has obtained from the woman her voluntary and informed consent given freely and
178 without coercion. If the physician has reason to believe that the woman is a victim of a
179 coerced abortion, the physician or qualified professional shall inform the woman that
180 services are available for victims of coerced abortion, and shall provide her with private
181 access to a telephone and information about such services, including but not limited to the
182 following:

183 (1) Rape crisis centers, as defined in section 455.003;

184 (2) Shelters for victims of domestic violence, as defined in section 455.200; and

185 (3) Orders of protection under chapter 455.

186 6. No physician shall perform or induce an abortion unless and until the physician
187 has received and signed a copy of the form prescribed in subsection 3 of this section. The
188 physician shall retain a copy of the form in the patient's medical record.

189 7. In the event of a medical emergency as provided by section 188.075, the physician
190 who performed or induced the abortion shall clearly certify in writing the nature and
191 circumstances of the medical emergency. This certification shall be signed by the physician
192 who performed or induced the abortion, and shall be maintained under section 188.060.

193 8. No person or entity shall require, obtain, or accept payment for an abortion from
194 or on behalf of a patient until at least twenty-four hours has passed since the time that the
195 information required by subsection 1 has been provided to the patient. Nothing in this

subsection shall prohibit a person or entity from notifying the patient that payment for the abortion will be required after the twenty-four-hour period has expired if she voluntarily chooses to have the abortion.

9. The term "qualified professional" as used in this section shall refer to a physician, physician assistant, registered nurse, licensed practical nurse, psychologist, licensed professional counselor, or licensed clinical social worker, licensed or registered under chapter 334, 335, or 337 acting under the supervision of the physician performing or inducing the abortion, and acting within the course and scope of his or her authority provided by law. The provisions of this section shall not be construed to in any way expand the authority otherwise provided by law relating to the licensure, registration, or scope of practice of any such qualified professional.

10. Every abortion facility shall display signs that contain exclusively the following words: "NOTICE: No one can coerce you to have an abortion. It is against the law for a husband, a boyfriend, a parent, a friend, a medical care provider, or any other person to coerce you in any way to have an abortion.". The signs shall be printed in seventy-two point font or larger and designed and located so that such signs can be easily read and ensure maximum visibility to women who enter the abortion facility considering whether to have an abortion; to women at the abortion facility receiving the information required by this section; and to women at the time that they give their consent to an abortion. The location of such signs in abortion facilities shall be specified by rules promulgated by the department and shall be a condition of licensure of any abortion facility under chapter 197. The display of signs under this subsection does not discharge the duty to conduct an individual private consultation with a woman considering abortion under subsection 2 of this section.

11. By November 30, 2010, the department shall produce the written materials, signs, informational videos and forms described in this section. Any written materials produced shall be printed in a typeface large enough to be clearly legible. All information shall be presented in an objective, unbiased manner designed to convey only accurate scientific and medical information. The department shall furnish the written materials, signs, informational videos, and forms at no cost and in sufficient quantity to any person who performs or induces abortions, or to any hospital or facility that provides abortions. The department shall make all information required by subsection 1 of this section available to the public through its department website. The department shall maintain a toll-free, twenty-four-hour hotline telephone number where a caller can obtain information on a regional basis concerning the agencies and services described in subsection 1 of this section. No identifying information regarding persons who use the website shall be

collected or maintained. The department shall monitor the website on a regular basis to prevent tampering and correct any operational deficiencies.

12. In order to preserve the compelling interest of the state to ensure that the choice to consent to an abortion is voluntary and informed, and given freely and without coercion, the department shall use the procedures for adoption of emergency rules under section 536.025 in order to promulgate all necessary rules, forms and other necessary material to implement this section by November 30, 2010.

188.052. 1. An individual abortion report for each abortion performed or induced upon a woman shall be completed by her attending physician. **The report shall include the following:**

(1) Information required by the United States Standard Report of Induced Termination of Pregnancy published by the National Center for Health Statistics, Centers for Disease Control and Prevention within the United States Department of Health and Human Services, or its successor agency;

(2) Additional information on the type of abortion procedure used, including the specific surgical or nonsurgical method or the specific abortion-inducing drug or drugs employed, including but not limited to: vacuum aspiration, suction curettage, sharp curettage, dilation and evacuation (D&E), intact D&E, dilation and extraction (D&X), intrauterine saline instillation, intrauterine prostaglandin instillation, hysterotomy, methotrexate, mifepristone, or misoprostol;

(3) If provided by the woman, the reason or reasons the woman sought the abortion, including specific medical, social, economic, or other factors, including but not limited to: particular maternal health conditions, pregnancy resulting from rape or incest, does not want other persons to know of her pregnancy, other persons object to her pregnancy, has relationship problems with the father of the child, or other family members, lack of financial support from the father of the child, disruption of education or job, or desire to limit family size; and

(4) If provided by the woman, whether the woman used any method of family planning during the time she became pregnant, and if so, the specific method employed.

2. An individual complication report for any post-abortion care performed **or induced** upon a woman shall be completed by the physician providing such post-abortion care. This report shall include **but not be limited to:**

(1) The date of the abortion;

(2) The name and address of the abortion facility or hospital where the abortion was performed or induced;

(3) The nature of the abortion complication diagnosed or treated.

30 3. All abortion reports shall be signed by the attending physician, and submitted to the
31 [state] department [of health and senior services] within forty-five days from the date of the
32 abortion. All complication reports shall be signed by the physician providing the post-abortion
33 care and submitted to the department [of health and senior services] within forty-five days from
34 the date of the post-abortion care.

35 4. A copy of the abortion report shall be made a part of the medical record of the patient
36 of the **abortion** facility or hospital in which the abortion was performed **or induced**.

37 5. The [state] department [of health and senior services] shall be responsible for
38 collecting all abortion reports and complication reports and collating and evaluating all data
39 gathered therefrom and shall annually publish a statistical report based on such data from
40 abortions performed **or induced and post-abortion care provided** in the previous calendar
41 year. **The report shall specify the gestational age, by weekly increments, at which abortions**
42 **were performed or induced. The report shall not include any information that would allow**
43 **the public to identify a specific:**

44 (1) **Patient who obtained an abortion or who received post-abortion care;**

45 (2) **Physician who performed or induced an abortion or who provided post-**
46 **abortion care; or**

47 (3) **Hospital or abortion facility where the abortion was performed or induced, or**
48 **which provided post-abortion care.**

49 6. **The information provided by the woman shall be voluntarily provided by the**
50 **woman seeking or obtaining the abortion, but the abortion facility, hospital, or physician**
51 **shall make all reasonable efforts to collect the information required by this section and**
52 **shall in no way dissuade or otherwise discourage the woman from providing the**
53 **information required by this section.**

188.055. 1. Every abortion facility, hospital, and physician shall be supplied with forms
2 by the department [of health and senior services] for use in regards to the consents and reports
3 required by sections 188.010 to 188.085. A purpose and function of such consents and reports
4 shall be the preservation of maternal health and life by adding to the sum of medical knowledge
5 through the compilation of relevant maternal health and life data and to monitor all abortions
6 performed **or induced** to assure that they are done only under and in accordance with the
7 provisions of the law.

8 2. All information obtained by a physician, hospital, or abortion facility from a patient
9 for the purpose of preparing reports to the department [of health and senior services] under
10 sections 188.010 to 188.085 or reports received by the [division of health] **department** shall be
11 confidential and shall be used only for statistical purposes. Such records, however, may be
12 inspected and health data acquired by local, state, or national public health officers.

188.070. Any [physician or other] person who [fails to maintain] **knowingly violates**
2 the confidentiality of any records [or] , reports [required] , **or documents maintained by the**
3 **hospital or abortion facility, or received by the department** under sections 188.010 to
4 188.085 is guilty of a [misdemeanor and, upon conviction, shall be punished as provided by law]
5 **class D felony.**

188.108. It shall never be a bona fide occupational qualification that an employee
2 **or applicant for employment seek or obtain an abortion.**

334.245. 1. Notwithstanding any other provision of law to the contrary that may
2 **allow a person to provide services relating to pregnancy, including prenatal, delivery, and**
3 **postpartum services, no person other than a licensed physician is authorized to perform**
4 **or induce an abortion.**

5 **2. Any person who violates the provisions of this section is guilty of a class B felony.**

338.575. 1. No licensed pharmacy in this state shall be required to perform, assist,
2 **recommend, refer to, or participate in any act or service in connection with any drug or**
3 **device that is an abortifacient, or used for emergency contraception.**

4 **2. No civil or criminal cause of action shall accrue against a pharmacy due to a**
5 **refusal to perform, assist, recommend, refer for, or participate in any act or service in**
6 **accordance with subsection 1 of this section.**

7 **3. No board, commission, or other agency or instrumentality of this state shall deny,**
8 **revoke, suspend, or otherwise discipline the license of a pharmacy, nor shall it impose any**
9 **other condition of operation due to a refusal to perform, assist, recommend, refer for, or**
10 **participate in any act or service in accordance with subsection 1 of this section.**

11 **4. No pharmacy shall be denied or discriminated against in eligibility for or the**
12 **receipt of any public benefit, assistance, or privilege of any kind due to a refusal to**
13 **perform, assist, recommend, refer for, or participate in any act or service in accordance**
14 **with subsection 1 of this section.**

565.310. 1. A person commits the crime of coercing an abortion if the person
2 **knowingly coerces a woman to seek or obtain an abortion by:**

3 **(1) Committing, attempting to commit, or conspiring to commit:**

4 **(a) An offense defined by any other statute of this state against the woman or her**
5 **family or household member;**

6 **(b) Assault as defined in section 565.050, 565.060, or 565.070;**

7 **(c) Domestic assault as defined in section 565.072, 565.073, or 565.074; or**

8 **(d) Stalking or aggravated stalking as defined in section 565.225;**

9 (2) Forcibly or without her knowledge administering to or causing the woman to
10 ingest any poison, drug, or other substance intended to cause an abortion, or attempting
11 or threatening to do so;

12 (3) Discharging, attempting to discharge, or threatening to discharge the female
13 employee; or changing, attempting to change, or threatening to change her compensation,
14 terms, conditions, or privileges of employment; or

15 (4) Revoking, attempting to revoke, or threatening to revoke a scholarship awarded
16 to the woman by a public or private institution of higher education.

17 2. Coercing an abortion is classified as follows if it is done by the commission of any
18 of the acts specified in subsection 1 of this section and the act is otherwise an offense
19 defined by any other statute of this state:

20 (1) Class A felony in which the court may impose an additional term of
21 imprisonment not to exceed ten years, or an additional fine not to exceed ten thousand
22 dollars, or both, if the offense committed is a class A felony;

23 (2) Class A felony, if the offense committed is a class B felony;

24 (3) Class B felony, if the offense committed is a class C felony;

25 (4) Class C felony, if the offense committed is a class D felony;

26 (5) Class D felony, if the offense committed is a class A misdemeanor;

27 (6) Class A misdemeanor, if the offense committed is a class B or C misdemeanor
28 or an infraction.

29 3. Coercing an abortion is a class A misdemeanor if it is done by the commission
30 of any of the acts specified in subsection 1 of this section and the act is not otherwise an
31 offense defined by any other statute of this state.

32 4. This section shall not be construed as creating, expanding, or otherwise
33 endorsing a right to an abortion.

565.315. 1. Except in the case of a medical emergency as provided for in section
2 188.075, any person who knowingly performs or induces or assists in performing or
3 inducing an abortion on a woman, with knowledge that the predominant reason the
4 woman is seeking or obtaining the abortion is that the woman is a victim of coerced
5 abortion, is guilty of a class C felony.

6 2. Whenever a physician, abortion facility, hospital, or other health care provider
7 has reasonable cause to suspect that a woman is a victim of a coerced abortion and the
8 victim is:

9 (1) A child as defined in section 210.110, then a report of suspected abuse shall be
10 made to the department of social services under section 210.115;

11 (2) A vulnerable person as defined in section 630.005, then a report of a suspected
12 abuse shall be made to the department of mental health under sections 565.218 and
13 630.163;

14 (3) An adult with a disability as defined by "eligible adult" in section 660.250, then
15 a report of suspected abuse shall be made to the department of health and senior services
16 under sections 198.070, 565.188, and 660.255;

17 (4) An adult who has been subject to abuse by a present or former adult family or
18 household member, or who has been the victim of stalking, then the physician, abortion
19 facility, hospital, or other health care provider shall provide the woman with information
20 on orders of protection under sections 455.010 to 455.085.

21 3. Under the provisions of chapter 188 or any other provision of law requiring that
22 a woman give her consent freely and without coercion prior to an abortion, whenever a
23 physician knows that the predominant reason the woman is seeking or obtaining an
24 abortion is that the woman is a victim of coerced abortion, the physician shall certify that
25 the woman lacks the consent required by law.

 Section 1. If a minor who is less than eighteen years of age and who has not
2 obtained a court-ordered consent to an abortion under section 188.028 presents herself for
3 an abortion, the abortion facility to which she presents herself or the physician who would
4 or does perform or induce the abortion shall, as soon as practicable but at least one
5 business day before the physician performs such abortion, notify the prosecuting attorney
6 for the county in which the abortion would be or has been performed or induced and the
7 county of residence of such minor. Such notifications shall occur regardless of whether the
8 abortion is performed or induced. If an abortion is performed or induced on the minor a
9 representative sample of the tissue removed at the time of the abortion shall be retained
10 by the abortion facility or hospital for purposes of DNA or other identification. Such
11 sample shall be in addition to the representative sample of tissue removed at the time of the
12 abortion and submitted to a board-eligible or board-certified pathologist under section
13 188.047.

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