

HOUSE BILL NO. 1531

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SPENCER (Sponsor), HICKS AND SWAN (Co-sponsors).

4426H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 188.036, RSMo, and to enact in lieu thereof one new section relating to abortion, with penalty provisions.

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

2 Section A. Section 188.036, RSMo, is repealed and one new section enacted in lieu
3 thereof, to be known as section 188.036, to read as follows:

4 188.036. 1. No physician shall perform an abortion on a woman if the physician knows
5 that the woman conceived the unborn child for the purpose of providing fetal organs or tissue
6 for medical transplantation to herself or another, and the physician knows that the woman intends
7 to procure the abortion to utilize those organs or tissue for such use for herself or another.

8 **2. No physician shall perform an abortion on a woman for the purpose of providing
9 fetal organs or tissue for medical transplantation to herself or another.**

10 [2.] **3.** No person shall utilize the fetal organs or tissue resulting from an abortion for
11 medical transplantation, if the person knows that the abortion was procured for the purpose of
12 utilizing those organs or tissue for such use.

13 [3.] **4.** No person shall offer any inducement, monetary or otherwise, to a woman or a
14 prospective father of an unborn child for the purpose of conceiving an unborn child for the
15 medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

16 [4.] **5.** No person shall offer any inducement, monetary or otherwise, to the mother or
17 father of an unborn child for the purpose of procuring an abortion for the medical, scientific,
18 experimental or therapeutic use of the fetal organs or tissue.

19 [5.] **6.** No person shall knowingly offer or receive any valuable consideration for the fetal
20 organs or tissue resulting from an abortion, provided that nothing in this subsection shall prohibit

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.

18 payment for burial or other final disposition of the fetal remains, or payment for a pathological
19 examination, autopsy or postmortem examination of the fetal remains.

20 [6.] 7. If any provision in this section or the application thereof to any person,
21 circumstance or period of gestation is held invalid, such invalidity shall not affect the provisions
22 or applications which can be given effect without the invalid provision or application, and to this
23 end the provisions of this section are declared severable.

24 **8. Any person who violates the provisions of this section is guilty of a class C felony.**

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