

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 971
100TH GENERAL ASSEMBLY

2103H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 188.035, 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:

Section A. Section 188.035, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.035, to read as follows:

188.035. ~~[Whoever, with intent to do so, shall take the life of a child aborted alive, shall be guilty of murder of the second degree.]~~ **1. This section shall be known and may be cited as the "Born-Alive Abortion Survivors Protection Act".**

2. A child born alive during or after an abortion or an attempted abortion shall have all the rights, privileges, and immunities available to other persons, citizens, and residents of this state, including any other live-born child.

3. Any health care provider licensed, registered, or certified in this state who is present at the time a child is born alive during or after an abortion or attempted abortion shall exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care provider would render to any other child born alive at the same gestational age.

4. In addition to any criminal or administrative liability which may be incurred, a court-appointed administrator may bring a cause of action for loss of life.

5. The fact that a plaintiff consented to undergo a self-induced abortion or attempted self-induced abortion or to procure an unlawful abortion or attempted unlawful abortion shall not, in and of itself, be considered evidence of contributory or comparative negligence. Any agreement relating to the procurement of an unlawful abortion or attempted unlawful abortion shall be against public policy and shall be void.

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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.