

FIRST REGULAR SESSION

HOUSE BILL NO. 1195

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

2390H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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

Section A. Section 188.036, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.036, to read as follows:

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

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

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

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

5. No person shall knowingly offer or receive any valuable consideration for the fetal organs or tissue resulting from an abortion, provided that nothing in this subsection shall prohibit payment for burial or other final disposition of the fetal remains, or payment for a pathological examination, autopsy or postmortem examination of the fetal remains.

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 **6. No person shall knowingly donate or make an anatomical gift of the fetal organs**
19 **or tissue resulting from an abortion to any person or entity for medical, scientific,**
20 **experimental, therapeutic, or any other use.**

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

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