

HB 431 -- ABORTION

SPONSOR: Kelly (141)

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Children and Families by a vote of 4 to 2. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 2 with 1 voting Present.

This bill gives a woman who has an abortion sole right of sepulcher for the remains of her child. Prior to conducting an abortion, the physician or qualified professional must present the woman with written materials regarding choices for disposition of her child and the woman shall inform the provider of her choice prior to the procedure. Disposition choices are limited to burial or cremation and the price shall be included in the cost of the abortion.

This bill also prohibits billing or payment for preoperative abortion services until 72 hours after the woman receives the informed consent materials required by law.

It also prohibits the use of fetal tissue from an abortion for any purpose, except to diagnose anomalies, paternity, or for any other law enforcement purposes. Violation of these provisions shall be a class E felony and be subject to license suspension or revocation.

The bill establishes the "Safeguarding All Children's Remains to Ensure Dignity Act" or the "Sacred Act". These sections state who a mother may assign the right of sepulcher for the remains of her deceased unborn child resulting from an abortion. The bill requires that a mother decide on the final disposition of the remains of her deceased unborn child in one of the ways listed.

Finally, the bill creates the offense of hoarding of aborted human remains for any person who possess all or part of five or more bodies of aborted children. Violators shall be guilty of a class D felony and undergo mental evaluation and treatment.

This bill is the same as HB 2402 (2020).

PROPONENTS: Supporters say that this bill will take care of circumstances where loved ones, that want to have closure, will have an opportunity to make arrangements, while protecting the dignity of children. This bill will also require accountability and help eliminate markets for "body parts".

Testifying for the bill were Representative Kelly; Karen Lathrop; Valerie Thompson; Campaign Life Missouri; Mary Erwin; Mo Catholic

Conference; Missouri Right To Life; Arnie C. Dienoff; and Joanne Schrader.

OPPONENTS: Those who oppose the bill say that this bill promotes one religious doctrine over another and that the religious practice of burial or cremation is an unnecessary expense. This bill will impose burdens on patients and has no legitimate medical protections. The bill forces patients to address remains for medical procedures and imposes a fee for that disposal.

Testifying against the bill were Aaron Lerma; Chelsea Salyer; Crystal Hilsgen; Elle Hollrah; Heidi Andress; Mae Winchester; Paul Leykamp; Rebecca O'Connor, American Society For Reproductive Medicine (ASRM); PROMO; David L Eisenberg; Melanie Dow; American College of Obstetricians and Gynecologists - Missouri Chapter; Stacy Lane; Karel Edgar; Susan Gibson; Planned Parenthood Advocates in Missouri; Stephanie Tranen; Angela White; Blake Gearin; Naral Pro-Choice Missouri; Sara J Schmidt; Kendall Martinez-Wright; American Civil Liberties Union of Missouri; and Jennifer Bernstein, National Council of Jewish Women St. Louis.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.