

FIRST REGULAR SESSION

# HOUSE BILL NO. 617

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE DOLL.

1519H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 188.015, RSMo, and to enact in lieu thereof two new sections relating to abortion.

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

Section A. Section 188.015, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 188.015 and 188.022, to read as follows:

188.015. As used in this chapter, the following terms mean:

(1) "Abortion":

(a) The act of using or prescribing any instrument, device, medicine, drug, or any other means or substance with the intent to destroy the life of an embryo or fetus in his or her mother's womb; **except that, such act is not an abortion when the act is done with the intent to extract a fetus following a spontaneous fetal death;** or

(b) The intentional termination of the pregnancy of a mother by using or prescribing any instrument, device, medicine, drug, or other means or substance with an intention other than to increase the probability of a live birth or to remove a dead unborn child;

(2) "Abortion facility", a clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital;

(3) "Conception", the fertilization of the ovum of a female by a sperm of a male;

(4) "Department", the department of health and senior services;

(5) "Down Syndrome", the same meaning as defined in section 191.923;

(6) "Gestational age", length of pregnancy as measured from the first day of the woman's last menstrual period;

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 (7) "Medical emergency", a condition which, based on reasonable medical judgment,  
18 so complicates the medical condition of a pregnant woman as to necessitate the immediate  
19 abortion of her pregnancy to avert the death of the pregnant woman or for which a delay will  
20 create a serious risk of substantial and irreversible physical impairment of a major bodily  
21 function of the pregnant woman;

22 (8) "Physician", any person licensed to practice medicine in this state by the state  
23 board of registration for the healing arts;

24 (9) "Reasonable medical judgment", a medical judgment that would be made by a  
25 reasonably prudent physician, knowledgeable about the case and the treatment possibilities  
26 with respect to the medical conditions involved;

27 (10) **"Spontaneous fetal death", a noninduced death prior to the complete**  
28 **extraction from its mother of a fetus, irrespective of the duration of the pregnancy;**

29 (11) "Unborn child", the offspring of human beings from the moment of conception  
30 until birth and at every stage of its biological development, including the human conceptus,  
31 zygote, morula, blastocyst, embryo, and fetus;

32 [~~11~~] (12) "Viability" or "viable", that stage of fetal development when the life of the  
33 unborn child may be continued indefinitely outside the womb by natural or artificial life-  
34 supportive systems;

35 [~~12~~] (13) "Viable pregnancy" or "viable intrauterine pregnancy", in the first  
36 trimester of pregnancy, an intrauterine pregnancy that can potentially result in a liveborn  
37 baby.

**188.022. Notwithstanding any other provision of law, for purposes of this**  
2 **chapter an act shall not be considered an abortion, as defined in section 188.015, if the**  
3 **act is done with the intent to extract a fetus following a spontaneous fetal death.**

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