

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By  
\_\_\_\_\_

1 AMEND House Committee Substitute No. 2 for House Joint Resolution No. 54, Pages 1-3, Section 37, Lines  
2 1-59, by deleting all of said section and lines and inserting in lieu thereof the following:  
3

4 "Section 36(a) 1. The state's duty to protect public health and welfare includes protecting the  
5 integrity and ethics of the medical profession. The state's interest in regulating the practice of medicine is  
6 even greater in areas of medical and scientific uncertainty or in areas that raise grave moral and ethical  
7 concerns, including abortion and gender transition procedures.

8 2. An abortion may be performed or induced upon a woman in cases of medical emergency, fetal  
9 anomaly, rape, or incest. In the case of abortions performed or induced in cases of rape or incest, the abortion  
10 may be performed or induced no later than twelve weeks gestational age of the unborn child.

11 3. The general assembly may enact laws that regulate the provision of abortions, abortion facilities,  
12 and abortion providers to ensure the health and safety of the pregnant mother. These laws shall include, but  
13 not be limited to, laws requiring physicians to provide women seeking abortions with medically accurate  
14 information as set forth by the general assembly; laws requiring physicians providing abortion care to have  
15 admitting privileges at a nearby hospital; laws requiring facilities where abortions are performed or induced  
16 to be licensed and inspected for clean and safe conditions and adequate instruments to treat any emergencies  
17 arising from an abortion procedure; laws requiring physicians to perform a sufficient examination of the  
18 woman to determine the unborn child's gestational age and any preexisting medical conditions that may  
19 influence the procedure; and laws requiring ultrasounds to be performed only by physicians or licensed  
20 medical technicians.

21 4. No abortion shall be performed or induced upon a woman based on a prenatal diagnosis, test, or  
22 screening indicating a disability in an unborn child, except in cases of a fetal anomaly.

23 5. No public funds shall be expended for the purpose of performing, inducing, or otherwise assisting  
24 any abortion, except in cases of medical emergency, rape, or incest, as otherwise authorized by law.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           6. Except in cases of a medical emergency in which consent cannot be obtained, no abortion shall be  
2 performed or induced upon a woman without her voluntary and informed consent, given freely and without  
3 coercion. In the case of a minor under the age of eighteen years, no person shall knowingly perform or  
4 induce an abortion, except in cases of a medical emergency in which consent cannot be obtained, unless the  
5 attending physician has obtained: (1) the written consent of the minor and a parent, managing conservator, or  
6 legal guardian; and (2) documentation of the consent is retained in the minor's medical record. The general  
7 assembly may enact laws to provide for the right of a minor to consent to an abortion as granted by a court  
8 order.

9           7. Fetal organ harvesting after an abortion is not permitted under any circumstances.

10           8. A woman's ability to access health care in cases of miscarriages, ectopic pregnancies, and other  
11 medical emergencies shall not be infringed by the state.

12           9. No gender transition surgeries shall be knowingly performed on children under eighteen years of  
13 age, and no cross-sex hormones or puberty-blocking drugs shall be knowingly prescribed or administered for  
14 the purpose of gender transition to children under eighteen years of age. The provisions of this section shall  
15 not apply to the use of such surgeries, drugs, or hormones to treat children born with a medically verifiable  
16 disorder of sex development or to treat any infection, injury, disease, or disorder unrelated to the purpose of a  
17 gender transition.

18           10. Any person who intentionally or negligently causes damage to another person relating to the  
19 provision of prenatal care, childbirth, postpartum care, miscarriage care, or for the performance or  
20 inducement of an abortion, inconsistent with the provisions of this section, shall be liable for damages and  
21 shall be subject to the suspension or revocation of his or her medical license.

22           11. Any action challenging the validity of any state law relating to reproductive health care shall be  
23 brought in the Circuit Court of Cole County, Missouri. If a pleading, written motion, or other paper drawing  
24 into question the constitutionality of a state statute does not include the state, one of its agencies, or one of its  
25 officers or employees in an official capacity, the party bringing the action shall file a notice of constitutional  
26 question and serve it on the attorney general and the attorney general shall have the right to intervene in the  
27 litigation.

28           12. The general assembly shall have the authority to enact laws to carry out the provisions of this  
29 section.

30           13. As used in this section, the following terms mean:

1           (1) "Cross-sex hormones", testosterone, estrogen, or other androgens given to an individual in  
2 amounts that are greater or more potent than would normally occur naturally in a healthy individual of the  
3 same age and sex;

4           (2) "Fetal anomaly", a structural or functional abnormality in the unborn child's gestational  
5 development that would make life outside the womb impossible;

6           (3) "Fetal organ harvesting", collection of fetal tissue, organs, or fluids, including any biological  
7 material, for the purpose of selling or collecting for scientific purposes, but shall not include the utilization of  
8 fetal tissue, organs, or fluids to determine the cause or causes of any anomaly, illness, death, or genetic  
9 condition of the unborn child, the paternity of the unborn child, or for law enforcement purposes;

10           (4) "Gender transition surgery", a surgical procedure performed for the purpose of assisting an  
11 individual with identifying with and living as a gender different from his or her biological sex;

12           (5) "Medical emergency", a condition that, based on reasonable medical judgment, so complicates  
13 the medical condition of a pregnant woman as to necessitate the immediate termination of her pregnancy to  
14 avert the death of the pregnant woman or for which a delay will create a serious risk of substantial and  
15 irreversible physical impairment of a major bodily function of the pregnant woman. A medical emergency  
16 shall include, but not be limited to, an ectopic pregnancy at any point following the diagnosis of such and  
17 treatment for a miscarriage;

18           (6) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or other synthetic drugs  
19 used to stop luteinizing hormone secretion and follicle stimulating hormone secretion, synthetic antiandrogen  
20 drugs to block the androgen receptor, or any other drug used to delay or suppress pubertal development in  
21 children for the purpose of assisting an individual with a gender transition;

22           (7) "Reasonable medical judgment", a medical judgment that would be made by a reasonably  
23 prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical  
24 conditions involved.

25           14. All provisions of this section are severable. If any provision of this section is found by a court of  
26 competent jurisdiction to be unconstitutional or unconstitutionally enacted, the remaining provisions of this  
27 section shall be and remain valid.

28                   ~~[Section 36. 1. This Section shall be known as "The Right to Reproductive~~  
29 ~~Freedom Initiative".~~

30                   ~~2. The Government shall not deny or infringe upon a person's fundamental right~~  
31 ~~to reproductive freedom, which is the right to make and carry out decisions about all~~  
32 ~~matters relating to reproductive health care, including but not limited to prenatal care,~~  
33 ~~childbirth, postpartum care, birth control, abortion care, miscarriage care, and respectful~~  
34 ~~birthing conditions.~~

35                   ~~3. The right to reproductive freedom shall not be denied, interfered with, delayed,~~

1 or otherwise restricted unless the Government demonstrates that such action is justified by  
 2 a compelling governmental interest achieved by the least restrictive means. Any denial,  
 3 interference, delay, or restriction of the right to reproductive freedom shall be presumed  
 4 invalid. For purposes of this Section, a governmental interest is compelling only if it is  
 5 for the limited purpose and has the limited effect of improving or maintaining the health  
 6 of a person seeking care, is consistent with widely accepted clinical standards of practice  
 7 and evidence-based medicine, and does not infringe on that person's autonomous decision-  
 8 making.

9 4. Notwithstanding subsection 3 of this Section, the general assembly may enact  
 10 laws that regulate the provision of abortion after Fetal Viability provided that under no  
 11 circumstance shall the Government deny, interfere with, delay, or otherwise restrict an  
 12 abortion that in the good faith judgment of a treating health care professional is needed to  
 13 protect the life or physical or mental health of the pregnant person.

14 5. No person shall be penalized, prosecuted, or otherwise subjected to adverse  
 15 action based on their actual, potential, perceived, or alleged pregnancy outcomes,  
 16 including but not limited to miscarriage, stillbirth, or abortion. Nor shall any person  
 17 assisting a person in exercising their right to reproductive freedom with that person's  
 18 consent be penalized, prosecuted, or otherwise subjected to adverse action for doing so.

19 6. The Government shall not discriminate against persons providing or obtaining  
 20 reproductive health care or assisting another person in doing so.

21 7. If any provision of this Section or the application thereof to anyone or to any  
 22 circumstance is held invalid, the remainder of those provisions and the application of such  
 23 provisions to others or other circumstances shall not be affected thereby.

24 8. For purposes of this Section, the following terms mean:

25 (1) "Fetal Viability", the point in pregnancy when, in the good faith judgment of a  
 26 treating health care professional and based on the particular facts of the case, there is a  
 27 significant likelihood of the fetus's sustained survival outside the uterus without the  
 28 application of extraordinary medical measures.

29 (2) "Government",

30 a. the state of Missouri; or

31 b. any municipality, city, town, village, township, district, authority, public  
 32 subdivision or public corporation having the power to tax or regulate, or any portion of  
 33 two or more such entities within the state of Missouri.]; and

34 Further amend said bill, Page 3, Section B, Lines 5-10, by deleting said lines and inserting in lieu thereof the  
 35 following:

36  
 37 ""Shall the Missouri Constitution be amended to:

- 38 ● Guarantee access to care for medical emergencies, ectopic pregnancies, and miscarriages;
- 39 ● Ensure women's safety during abortions;
- 40 ● Ensure parental consent for minors' abortions;
- 41 ● Allow abortions for medical emergencies, fetal anomalies, rape, and incest and repeal Article I,  
 42 Section 36; and
- 43 ● Protect children from gender transitions?"; and

44 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.