

FIRST REGULAR SESSION

# HOUSE BILL NO. 581

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WEBER.

0377H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To repeal section 188.015, RSMo, and to enact in lieu thereof one new section relating to the respect people's abortion decisions act.

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

Section A. Section 188.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 188.015, to read as follows:

188.015. **1.** 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; 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], any medical treatment intended to induce the termination of a pregnancy, except for the purpose of producing a live birth;~~

(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) "Affiliate", a person who or entity that enters into, with an abortion facility, a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

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 (a) Common ownership, management, or control between the parties to the  
18 relationship;

19 (b) A franchise granted by the person or entity to the affiliate; or

20 (c) The granting or extension of a license or other agreement authorizing the affiliate  
21 to use the other person's or entity's brand name, trademark, service mark, or other registered  
22 identification mark;

23 (4) "Conception", the fertilization of the ovum ~~[of a female]~~ by a sperm ~~[of a male]~~;

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

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

26 (7) "Gestational age", length of pregnancy as measured from the first day of the  
27 ~~[woman's]~~ **person's** last menstrual period;

28 (8) "Medical emergency", a condition which, based on reasonable medical judgment,  
29 so complicates the medical condition of a pregnant ~~[woman]~~ **person** as to necessitate the  
30 immediate abortion of ~~[her]~~ **the** pregnancy to avert the death of the pregnant ~~[woman]~~ **person**  
31 or for which a delay will create a serious risk of substantial and irreversible physical  
32 impairment of a major bodily function of the pregnant ~~[woman]~~ **person**;

33 (9) "Physician", any person licensed to practice medicine in this state by the state  
34 board of registration for the healing arts;

35 (10) "Reasonable medical judgment", a medical judgment that would be made by a  
36 reasonably prudent physician, knowledgeable about the case and the treatment possibilities  
37 with respect to the medical conditions involved;

38 (11) ~~["Unborn child", the offspring of human beings from the moment of conception  
39 until birth and at every stage of its biological development, including the human conceptus,  
40 zygote, morula, blastocyst, embryo, and fetus];~~

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

44 ~~(13) "Viable pregnancy" or "viable intrauterine pregnancy", in the first trimester of  
45 pregnancy, an intrauterine pregnancy that can potentially result in a liveborn baby], the point  
46 in a pregnancy when, in the good faith medical judgment of a physician, or the  
47 particular facts of the case before that physician, there is a reasonable likelihood of the  
48 fetus's sustained survival outside the uterus without the application of extraordinary  
49 medical measures.~~

50 **2. Notwithstanding any law to the contrary, the state shall protect a person's**  
51 **right to terminate a pregnancy prior to viability of the fetus or if necessary to protect a**  
52 **person's life or health as determined by a licensed physician.**

53           **3. No prosecution or proceeding shall be brought or maintained under state**  
54 **criminal law or otherwise for acts that are authorized or permitted under this section.**

55           **4. The provisions of this section shall be severable, and if any phrase, clause,**  
56 **sentence, or provision is declared to be invalid or is preempted by federal law or**  
57 **regulation, the validity of the remainder of this section shall not be affected.**

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