

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 121

103RD GENERAL ASSEMBLY

0797S.02C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 135.630 and 210.950, RSMo, and to enact in lieu thereof two new sections relating to perinatal resources.

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

Section A. Sections 135.630 and 210.950, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 135.630 and 210.950, to read as follows:

135.630. 1. As used in this section, the following
2 terms mean:

3 (1) "Contribution", a donation of cash, stock, bonds,
4 or other marketable securities, or real property;

5 (2) "Director", the director of the department of
6 social services;

7 (3) "Pregnancy resource center", a nonresidential
8 facility located in this state:

9 (a) Established and operating primarily to provide
10 assistance to women and families with crisis pregnancies or
11 unplanned pregnancies by offering pregnancy testing,
12 counseling, emotional and material support, and other
13 similar services or by offering services as described under
14 subsection 2 of section 188.325, to encourage and assist
15 such women and families in carrying their pregnancies to
16 term; and

17 (b) Where childbirths are not performed; and

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (c) Which does not perform, induce, or refer for
19 abortions and which does not hold itself out as performing,
20 inducing, or referring for abortions; and

21 (d) Which provides direct client services at the
22 facility, as opposed to merely providing counseling or
23 referral services by telephone; and

24 (e) Which provides its services at no cost to its
25 clients; and

26 (f) When providing medical services, such medical
27 services must be performed in accordance with Missouri
28 statute; and

29 (g) Which is exempt from income taxation pursuant to
30 the Internal Revenue Code of 1986, as amended;

31 (4) "State tax liability", in the case of a business
32 taxpayer, any liability incurred by such taxpayer pursuant
33 to the provisions of chapters 143, 147, 148, and 153,
34 excluding sections 143.191 to 143.265 and related
35 provisions, and in the case of an individual taxpayer, any
36 liability incurred by such taxpayer pursuant to the
37 provisions of chapter 143, excluding sections 143.191 to
38 143.265 and related provisions;

39 (5) "Taxpayer", a person, firm, a partner in a firm,
40 corporation, or a shareholder in an S corporation doing
41 business in the state of Missouri and subject to the state
42 income tax imposed by the provisions of chapter 143, or a
43 corporation subject to the annual corporation franchise tax
44 imposed by the provisions of chapter 147, or an insurance
45 company paying an annual tax on its gross premium receipts
46 in this state, or other financial institution paying taxes
47 to the state of Missouri or any political subdivision of
48 this state pursuant to the provisions of chapter 148, or an
49 express company which pays an annual tax on its gross

50 receipts in this state pursuant to chapter 153, or an
51 individual subject to the state income tax imposed by the
52 provisions of chapter 143, or any charitable organization
53 which is exempt from federal income tax and whose Missouri
54 unrelated business taxable income, if any, would be subject
55 to the state income tax imposed under chapter 143.

56 2. (1) Beginning on March 29, 2013, any contribution
57 to a pregnancy resource center made on or after January 1,
58 2013, shall be eligible for tax credits as provided by this
59 section.

60 (2) For all tax years beginning on or after January 1,
61 2007, and ending on or before December 31, 2020, a taxpayer
62 shall be allowed to claim a tax credit against the
63 taxpayer's state tax liability in an amount equal to fifty
64 percent of the amount such taxpayer contributed to a
65 pregnancy resource center. For all tax years beginning on
66 or after January 1, 2021, **but ending on or before December**
67 **31, 2025**, a taxpayer shall be allowed to claim a tax credit
68 against the taxpayer's state tax liability in an amount
69 equal to seventy percent of the amount such taxpayer
70 contributed to a pregnancy resource center. **For all tax**
71 **years beginning on or after January 1, 2026, a taxpayer**
72 **shall be allowed to claim a tax credit against the**
73 **taxpayer's state tax liability in an amount equal to one**
74 **hundred percent of the amount such taxpayer contributed to a**
75 **pregnancy resource center.**

76 3. The amount of the tax credit claimed shall not
77 exceed the amount of the taxpayer's state tax liability for
78 the tax year for which the credit is claimed, and such
79 taxpayer shall not be allowed to claim a tax credit in
80 excess of fifty thousand dollars per tax year. However, any
81 tax credit that cannot be claimed in the tax year the

82 contribution was made may be carried over only to the next
83 succeeding tax year. No tax credit issued under this
84 section shall be assigned, transferred, or sold.

85 4. Except for any excess credit which is carried over
86 pursuant to subsection 3 of this section, a taxpayer shall
87 not be allowed to claim a tax credit unless the total amount
88 of such taxpayer's contribution or contributions to a
89 pregnancy resource center or centers in such taxpayer's tax
90 year has a value of at least one hundred dollars.

91 5. The director shall determine, at least annually,
92 which facilities in this state may be classified as
93 pregnancy resource centers. The director may require of a
94 facility seeking to be classified as a pregnancy resource
95 center whatever information which is reasonably necessary to
96 make such a determination. The director shall classify a
97 facility as a pregnancy resource center if such facility
98 meets the definition set forth in subsection 1 of this
99 section.

100 6. The director shall establish a procedure by which a
101 taxpayer can determine if a facility has been classified as
102 a pregnancy resource center. Pregnancy resource centers
103 shall be permitted to decline a contribution from a
104 taxpayer. The cumulative amount of tax credits which may be
105 claimed by all the taxpayers contributing to pregnancy
106 resource centers in any one fiscal year shall not exceed two
107 million dollars for all fiscal years ending on or before
108 June 30, 2014, and two million five hundred thousand dollars
109 for all fiscal years beginning on or after July 1, 2014, and
110 ending on or before June 30, 2019, and three million five
111 hundred thousand dollars for all fiscal years beginning on
112 or after July 1, 2019, and ending on or before June 30,
113 2021. For all fiscal years beginning on or after July 1,

2021, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers contributing to pregnancy resource centers under the provisions of this section. Tax credits shall be issued in the order contributions are received. If the amount of tax credits redeemed in a fiscal year is less than the cumulative amount authorized under this subsection, the difference shall be carried over to a subsequent fiscal year or years and shall be added to the cumulative amount of tax credits that may be authorized in that fiscal year or years.

7. For all fiscal years ending on or before June 30, 2021, the director shall establish a procedure by which, from the beginning of the fiscal year until some point in time later in the fiscal year to be determined by the director, the cumulative amount of tax credits are equally apportioned among all facilities classified as pregnancy resource centers. If a pregnancy resource center fails to use all, or some percentage to be determined by the director, of its apportioned tax credits during this predetermined period of time, the director may reapportion these unused tax credits to those pregnancy resource centers that have used all, or some percentage to be determined by the director, of their apportioned tax credits during this predetermined period of time. The director may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the director concerning the identity of each

taxpayer making a contribution to the pregnancy resource center who is claiming a tax credit pursuant to this section and the amount of the contribution. The director shall provide the information to the director of revenue. The director shall be subject to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

9. The provisions of section 23.253 shall not apply to this section.

210.950. 1. This section shall be known and may be cited as the "Safe Place for Newborns Act of 2002". The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent, and to provide safe and secure alternatives to such abandonment.

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

(1) "Hospital", as defined in section 197.020;

(2) "Maternity home", the same meaning as such term is defined in section 135.600;

(3) "Newborn safety incubator", a medical device used to maintain an optimal environment for the care of a newborn infant;

(4) "Nonrelinquishing parent", the biological parent who does not leave a newborn infant in a newborn safety incubator or with any person listed in subsection 3 of this section in accordance with this section;

(5) "Pregnancy resource center", the same meaning as such term is defined in section 135.630;

(6) "Relinquishing parent", the biological parent or person acting on such parent's behalf who leaves a newborn infant in a newborn safety incubator or with any person listed in subsection 3 of this section in accordance with this section.

24 3. A parent shall not be prosecuted for a violation of
25 section 568.030, 568.032, 568.045 or 568.050 for actions
26 related to the voluntary relinquishment of a child up to
27 ~~[forty-five]~~ **ninety** days old pursuant to this section if:

28 (1) Expressing intent not to return for the child, the
29 parent voluntarily delivered the child safely to a newborn
30 safety incubator or to the physical custody of any of the
31 following persons:

32 (a) An employee, agent, or member of the staff of any
33 hospital, maternity home, or pregnancy resource center in a
34 health care provider position or on duty in a nonmedical
35 paid or volunteer position;

36 (b) A firefighter or emergency medical technician on
37 duty in a paid position or on duty in a volunteer position;
38 or

39 (c) A law enforcement officer;

40 (2) The child was no more than ~~[forty-five]~~ **ninety**
41 days old when delivered by the parent to the newborn safety
42 incubator or to any person listed in subdivision (1) of this
43 subsection; and

44 (3) The child has not been abused or neglected by the
45 parent prior to such voluntary delivery.

46 4. A parent voluntarily relinquishing a child under
47 this section shall not be required to provide any
48 identifying information about the child or the parent. No
49 person shall induce or coerce, or attempt to induce or
50 coerce, a parent into revealing his or her identity. No
51 officer, employee, or agent of this state or any political
52 subdivision of this state shall attempt to locate or
53 determine the identity of such parent. In addition, any
54 person who obtains information on the relinquishing parent
55 shall not disclose such information except to the following:

56 (1) A birth parent who has waived anonymity or the
57 child's adoptive parent;

58 (2) The staff of the department of health and senior
59 services, the department of social services, or any county
60 health or social services agency or licensed child welfare
61 agency that provides services to the child;

62 (3) A person performing juvenile court intake or
63 dispositional services;

64 (4) The attending physician;

65 (5) The child's foster parent or any other person who
66 has physical custody of the child;

67 (6) A juvenile court or other court of competent
68 jurisdiction conducting proceedings relating to the child;

69 (7) The attorney representing the interests of the
70 public in proceedings relating to the child; and

71 (8) The attorney representing the interests of the
72 child.

73 5. A person listed in subdivision (1) of subsection 3
74 of this section shall, without a court order, take physical
75 custody of a child the person reasonably believes to be no
76 more than [forty-five] **ninety** days old and is delivered in
77 accordance with this section by a person purporting to be
78 the child's parent or is delivered in accordance with this
79 section to a newborn safety incubator. If delivery of a
80 newborn is made pursuant to this section in any place other
81 than a hospital, the person taking physical custody of the
82 child shall arrange for the immediate transportation of the
83 child to the nearest hospital licensed pursuant to chapter
84 197.

85 6. The hospital, its employees, agents and medical
86 staff shall perform treatment in accordance with the
87 prevailing standard of care as necessary to protect the

physical health or safety of the child. The hospital shall notify the children's division and the local juvenile officer upon receipt of a child pursuant to this section. The local juvenile officer shall immediately begin protective custody proceedings and request the child be made a ward of the court during the child's stay in the medical facility. Upon discharge of the child from the medical facility and pursuant to a protective custody order ordering custody of the child to the division, the children's division shall take physical custody of the child. The parent's voluntary delivery of the child in accordance with this section shall constitute the parent's implied consent to any such act and a voluntary relinquishment of such parent's parental rights.

7. In any termination of parental rights proceeding initiated after the relinquishment of a child pursuant to this section, the juvenile officer shall make public notice that a child has been relinquished, including the sex of the child, and the date and location of such relinquishment. Within thirty days of such public notice, the parent wishing to establish parental rights shall identify himself or herself to the court and state his or her intentions regarding the child. The court shall initiate proceedings to establish paternity, or if no person identifies himself as the father within thirty days, maternity. The juvenile officer shall make examination of the putative father registry established in section 192.016 to determine whether attempts have previously been made to preserve parental rights to the child. If such attempts have been made, the juvenile officer shall make reasonable efforts to provide notice of the abandonment of the child to such putative father.

120 8. (1) If a relinquishing parent of a child
121 relinquishes custody of the child to a newborn safety
122 incubator or to any person listed in subsection 3 of this
123 section in accordance with this section and to preserve the
124 parental rights of the nonrelinquishing parent, the
125 nonrelinquishing parent shall take such steps necessary to
126 establish parentage within thirty days after the public
127 notice or specific notice provided in subsection 7 of this
128 section.

129 (2) If either parent fails to take steps to establish
130 parentage within the thirty-day period specified in
131 subdivision (1) of this subsection, either parent may have
132 all of his or her rights terminated with respect to the
133 child.

134 (3) When either parent inquires at a hospital
135 regarding a child whose custody was relinquished pursuant to
136 this section, such facility shall refer such parent to the
137 children's division and the juvenile court exercising
138 jurisdiction over the child.

139 9. The persons listed in subdivision (1) of subsection
140 3 of this section shall be immune from civil, criminal, and
141 administrative liability for accepting physical custody of a
142 child pursuant to this section if such persons accept
143 custody in good faith. Such immunity shall not extend to
144 any acts or omissions, including negligent or intentional
145 acts or omissions, occurring after the acceptance of such
146 child.

147 10. The children's division shall:

148 (1) Provide information and answer questions about the
149 process established by this section on the statewide, toll-
150 free telephone number maintained pursuant to section 210.145;

151 (2) Provide information to the public by way of
152 pamphlets, brochures, or by other ways to deliver
153 information about the process established by this section.

154 11. It shall be an affirmative defense to prosecution
155 for a violation of sections 568.030, 568.032, 568.045, and
156 568.050 that a parent who is a defendant voluntarily
157 relinquished a child no more than one year old under this
158 section.

159 12. Nothing in this section shall be construed as
160 conflicting with section 210.125.

161 13. **(1) There is hereby created in the state treasury**
162 **the "Safe Place for Newborns Fund", which shall consist of**
163 **moneys appropriated by the general assembly from general**
164 **revenue and any gifts, bequests, or donations. The state**
165 **treasurer shall be custodian of the fund. In accordance**
166 **with sections 30.170 and 30.180, the state treasurer may**
167 **approve disbursements. The fund shall be a dedicated fund**
168 **and, upon appropriation, moneys in this fund shall be used**
169 **solely for the installation of newborn safety incubators.**

170 (2) Notwithstanding the provisions of section 33.080
171 to the contrary, any moneys remaining in the fund at the end
172 of the biennium shall not revert to the credit of the
173 general revenue fund.

174 (3) The state treasurer shall invest moneys in the
175 fund in the same manner as other funds are invested. Any
176 interest and moneys earned on such investments shall be
177 credited to the fund.

178 14. The state of Missouri shall provide matching
179 moneys from the general revenue fund for the installation of
180 newborn safety incubators. The total amount available to
181 the fund from state sources under such a match program shall

182 **be up to ten thousand dollars for each newborn safety**
183 **incubator installed.**

184 **15.** The director of the department of health and
185 senior services may promulgate all necessary rules and
186 regulations for the administration of this section,
187 including rules governing the specifications, installation,
188 maintenance, and oversight of newborn safety incubators.
189 Any rule or portion of a rule, as that term is defined in
190 section 536.010, that is created under the authority
191 delegated in this section shall become effective only if it
192 complies with and is subject to all of the provisions of
193 chapter 536 and, if applicable, section 536.028. This
194 section and chapter 536 are nonseverable and if any of the
195 powers vested with the general assembly pursuant to chapter
196 536 to review, to delay the effective date, or to disapprove
197 and annul a rule are subsequently held unconstitutional,
198 then the grant of rulemaking authority and any rule proposed
199 or adopted after August 28, 2021, shall be invalid and void.

✓