

HOUSE BILL NO. 3410

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAUBINGER.

7265H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 1.020 and 188.015, RSMo, and to enact in lieu thereof two new sections relating to abortion.

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

Section A. Sections 1.020 and 188.015, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 1.020 and 188.015, to read as follows:

1.020. As used in the statutory laws of this state, unless otherwise specially provided
2 or unless plainly repugnant to the intent of the legislature or to the context thereof:

3 (1) "Abortion":

4 (a) Means the act of using or prescribing any instrument, device, medicine, drug,
5 or any other means or substance with the intent to destroy the life of an embryo or fetus
6 in his or her mother's womb or the intentional termination of the pregnancy of a mother
7 by using or prescribing any instrument, device, medicine, drug, or other means or
8 substance with an intention other than to increase the probability of a live birth or to
9 remove a dead unborn child;

10 (b) Such use, prescription, or means is not an abortion if conducted with the
11 intent to:

12 a. Save the life or preserve the health of the unborn child;

13 b. Remove a dead unborn child caused by miscarriage;

14 c. Remove an ectopic pregnancy; or

15 d. Perform a pre-viability separation procedure when such procedure is
16 necessary to save the life of the pregnant woman or to prevent substantial or irreversible
17 physical impairment of a major bodily function of the pregnant woman;

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.

18 (c) For purposes of defining abortion:

19 a. "Ectopic pregnancy" means the state of carrying an unborn child outside of
20 the uterine cavity;

21 b. "Miscarriage" or "spontaneous abortion" means a spontaneous, natural,
22 nonintentional death of a preborn human being prior to twenty weeks gestation;

23 c. "Pregnant" or "pregnancy" means the state of carrying a developing human
24 being inside the female body;

25 d. "Pre-viability separation procedure" means a medical procedure performed
26 by a physician to remove an unborn child from his or her mother's uterine cavity before
27 that stage of fetal development when, in the reasonable medical judgment of the
28 physician based on the particular facts of the case before him or her and in light of the
29 most advanced medical technology and information available to him or her, there is a
30 reasonable likelihood of sustained survival of the unborn child outside the body of his or
31 her mother, with or without artificial support;

32 e. "Stillbirth" or "intrauterine fetal demise" means a spontaneous, natural,
33 nonintentional death of the preborn human being between twenty weeks gestation and
34 the moment of birth;

35 (2) "Certified mail" or "certified mail with return receipt requested", includes
36 certified mail carried by the United States Postal Service, or any parcel or letter carried by an
37 overnight, express, or ground delivery service that allows a sender or recipient to
38 electronically track its location and provides record of the signature of the recipient;

39 [~~2~~] (3) "County or circuit attorney" means prosecuting attorney;

40 [~~3~~] (4) "Executor" includes administrator where the subject matter applies to an
41 administrator;

42 [~~4~~] (5) "General election" means the election required to be held on the Tuesday
43 succeeding the first Monday of November, biennially;

44 [~~5~~] (6) "Guardian", if used in a section in a context relating to property rights or
45 obligations, means conservator of the estate as defined in chapter 475. "Guardianship", if
46 used in a section in a context relating to rights and obligations other than property rights or
47 obligations, means guardian of the person as defined in chapter 475;

48 [~~6~~] (7) "Handicap" means a mental or physical impairment that substantially limits
49 one or more major life activities, whether the impairment is congenital or acquired by
50 accident, injury, or disease, and where the impairment is verified by medical findings;

51 [~~7~~] (8) "Heretofore" means any time previous to the day when the statute containing
52 it takes effect; and "hereafter" means the time after the statute containing it takes effect;

53 [~~8~~] (9) "In vacation" includes any adjournment of court for more than one day
54 whenever any act is authorized to be done by or any power given to a court, or judge thereof

55 in vacation, or whenever any act is authorized to be done by or any power given to a clerk of
56 any court in vacation;

57 ~~[(9)]~~ (10) "Incompetent", if used in a section in a context relating to actual
58 occupational ability without reference to a court adjudication of incompetency, means the
59 actual ability of a person to perform in that occupation. "Incompetent", if used in a section in
60 a context relating to the property rights and obligations of a person, means a disabled person
61 as defined in chapter 475. "Incompetent", if used in a section in a context relating to the
62 rights and obligations of a person other than property rights and obligations, means an
63 incapacitated person as defined in chapter 475;

64 ~~[(10)]~~ (11) "Justice of the county court" means commissioner of the county
65 commission;

66 ~~[(11)]~~ (12) "Month" and "year". "Month" means a calendar month, and "year" means
67 a calendar year unless otherwise expressed, and is equivalent to the words year of our Lord;

68 ~~[(12)]~~ (13) The word "person" may extend and be applied to bodies politic and
69 corporate, and to partnerships and other unincorporated associations;

70 ~~[(13)]~~ (14) "Personal property" includes money, goods, chattels, things in action and
71 evidences of debt;

72 ~~[(14)]~~ (15) "Place of residence" means the place where the family of any person
73 permanently resides in this state, and the place where any person having no family generally
74 lodges;

75 ~~[(15)]~~ (16) "Preceding" and "following", when used by way of reference to any
76 section of the statutes, mean the section next preceding or next following that in which the
77 reference is made, unless some other section is expressly designated in the reference;

78 ~~[(16)]~~ (17) "Property" includes real and personal property;

79 ~~[(17)]~~ (18) "Real property" or "premises" or "real estate" or "lands" is coextensive
80 with lands, tenements and hereditaments;

81 ~~[(18)]~~ (19) "State", when applied to any of the United States, includes the District of
82 Columbia and the territories, and the words "United States" includes such district and
83 territories;

84 ~~[(19)]~~ (20) "Under legal disability" includes persons within the age of minority or of
85 unsound mind or imprisoned;

86 ~~[(20)]~~ (21) "Ward", if used in a section in a context relating to the property rights and
87 obligations of a person, means a protectee as defined in chapter 475. "Ward", if used in a
88 section in a context relating to the rights and obligations of a person other than property rights
89 and obligations, means a ward as defined in chapter 475;

90 ~~[(21)]~~ (22) "Will" includes the words testament and codicil;

91 [~~(22)~~] **(23)** "Written" and "in writing" and "writing word for word" includes printing,
92 lithographing, or other mode of representing words and letters, but in all cases where the
93 signature of any person is required, the proper handwriting of the person, or his mark, is
94 intended.

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

- 2 (1) **(a)** "Abortion"[;],
3 [~~(a)~~] the act of using or prescribing any instrument, device, medicine, drug, or any
4 other means or substance with the intent to destroy the life of an embryo or fetus in his or her
5 mother's womb[;] or
6 [~~(b)~~] the intentional termination of the pregnancy of a mother by using or prescribing
7 any instrument, device, medicine, drug, or other means or substance with an intention other
8 than to increase the probability of a live birth or to remove a dead unborn child;
9 **(b) Such use, prescription, or means is not an "abortion" if conducted with the**
10 **intent to:**
11 **a. Save the life or preserve the health of the unborn child;**
12 **b. Remove a dead unborn child caused by miscarriage;**
13 **c. Remove an ectopic pregnancy; or**
14 **d. Perform a pre-viability separation procedure when such procedure is**
15 **necessary to save the life of the pregnant woman or to prevent substantial or irreversible**
16 **physical impairment of a major bodily function of the pregnant woman;**
17 **(c) For purposes of defining abortion:**
18 **a. "Ectopic pregnancy" means the state of carrying an unborn child outside of**
19 **the uterine cavity;**
20 **b. "Miscarriage" or "spontaneous abortion" means a spontaneous, natural,**
21 **nonintentional death of a preborn human being prior to twenty weeks gestation;**
22 **c. "Pregnant" or "pregnancy" means the state of carrying a developing human**
23 **being inside the female body;**
24 **d. "Pre-viability separation procedure" means a medical procedure performed**
25 **by a physician to remove an unborn child from his or her mother's uterine cavity before**
26 **that stage of fetal development when, in the reasonable medical judgment of the**
27 **physician based on the particular facts of the case before him or her and in light of the**
28 **most advanced medical technology and information available to him or her, there is a**
29 **reasonable likelihood of sustained survival of the unborn child outside the body of his or**
30 **her mother, with or without artificial support;**
31 **e. "Stillbirth" or "intrauterine fetal demise" means a spontaneous, natural,**
32 **nonintentional death of the preborn human being between twenty weeks gestation and**
33 **the moment of birth;**

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

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

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

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

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

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

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

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

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

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

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

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

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

64 (12) "Viability" or "viable", that stage of fetal development when the life of the
65 unborn child may be continued indefinitely outside the womb by natural or artificial life-
66 supportive systems;

67 (13) "Viable pregnancy" or "viable intrauterine pregnancy", in the first trimester of
68 pregnancy, an intrauterine pregnancy that can potentially result in a liveborn baby.