

SECOND REGULAR SESSION

HOUSE BILL NO. 2371

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOENIG.

5582H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 188.036, 188.047, and 197.230, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

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

Section A. Sections 188.036, 188.047, and 197.230, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 188.036, 188.047, and 197.230, to read as follows:

188.036. 1. No physician shall perform an abortion on a woman if the physician knows that the woman conceived the unborn child for the purpose of providing fetal organs or tissue for medical transplantation to herself or another, and the physician knows that the woman intends to procure the abortion to utilize those organs or tissue for such use for herself or another.

2. No person shall utilize the fetal organs or tissue resulting from an abortion for medical transplantation, if the person knows that the abortion was procured for the purpose of utilizing those organs or tissue for such use.

3. No person shall offer any inducement, monetary or otherwise, to a woman or a prospective father of an unborn child for the purpose of conceiving an unborn child for the medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

4. No person shall offer any inducement, monetary or otherwise, to the mother or father of an unborn child for the purpose of procuring an abortion for the medical, scientific, experimental or therapeutic use of the fetal organs or tissue.

5. No person shall knowingly offer or receive any valuable consideration for the fetal organs or tissue resulting from an abortion, provided that nothing in this subsection shall prohibit

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.

16 payment for burial or other final disposition of the fetal remains, or payment for a pathological
17 examination, autopsy or postmortem examination of the fetal remains.

18 6. If any provision in this section or the application thereof to any person, circumstance
19 or period of gestation is held invalid, such invalidity shall not affect the provisions or
20 applications which can be given effect without the invalid provision or application, and to this
21 end the provisions of this section are declared severable.

22 **7. Any person who violates the provisions of subsection 3, 4, or 5 of this section**
23 **shall be guilty of a class C felony and the court may impose a fine in an amount not less**
24 **than twice the amount of any valuable consideration received.**

188.047. [A representative sample of] **1. All fetal tissue removed at the time of abortion**
2 **shall be ensured as nonhazardous in compliance with department of natural resources**
3 **regulations and** submitted to a board eligible or certified pathologist, who shall file a copy of
4 the tissue report with the state department of health and senior services, and [who shall] provide
5 a copy of the report to the abortion facility or hospital in which the abortion was performed or
6 induced, and the pathologist's report shall be made a part of the patient's permanent record. **The**
7 **report shall indicate if all fetal tissue was received that would be common for a specimen**
8 **of such gestational age, include detailed gross findings of what was received including the**
9 **percent blood clot and the percent tissue, and include a gross diagnosis.**

10 **2. Each fetal tissue specimen shall be given a unique identification number to allow**
11 **the specimen to be tracked from the abortion facility or hospital where the abortion was**
12 **performed or induced to the pathology lab and to its final disposition location.**

13 **3. A report shall be created and submitted to the department for each fetal tissue**
14 **specimen at each facility that handles the specimen, including the abortion facility or**
15 **hospital where the abortion was performed or induced, the pathology lab, and the location**
16 **of final disposition. Each report shall document, if applicable, the date the fetal tissue**
17 **specimen was collected, transported, received, and disposed. The report by the location**
18 **of final disposition shall verify that all fetal tissue was received and has been properly**
19 **disposed according to state laws and regulations.**

20 **4. The department shall pair each notice of abortion with its corresponding**
21 **pathology report. If the department does not receive the notice of abortion and the**
22 **pathology report, the department shall conduct an investigation. If the department finds**
23 **that the abortion facility or hospital where the abortion was performed or induced was not**
24 **in compliance with the provisions of this section, the department shall consider such**
25 **noncompliance a deficiency requiring an unscheduled inspection of the facility to ensure**
26 **the deficiency is remedied.**

27 **5. All reports and information received by the department under the provisions of**
28 **this section shall be compiled and included in an annual report to the general assembly.**
29 **Such report shall include the number of any deficiencies of each abortion facility in the**
30 **calendar year and whether such deficiencies were remedied.**

197.230. The department of health and senior services shall make, or cause to be made,
2 such inspections and investigations as it deems necessary. **In the case of any ambulatory**
3 **surgical center operated for the purpose of performing or inducing abortions, the**
4 **department shall make, or cause to be made, one announced and one unannounced on-site**
5 **inspection and investigation at least annually. If an unannounced inspection is conducted**
6 **as a result of deficiencies found during an annual announced inspection, the unannounced**
7 **inspection requirement shall be deemed fulfilled. All unannounced inspections shall be**
8 **limited to matters relating to abortions. Unannounced inspections shall verify that all fetal**
9 **remains from an abortion have been sent to a pathologist in a nonhazardous form in**
10 **accordance with department of natural resources regulations, relevant reports have been**
11 **completed, submitted, and received, and all current laws and regulations relating to annual**
12 **inspection requirements are being met.** The department may delegate its powers and duties
13 to investigate and inspect ambulatory surgical centers to an official of a political subdivision
14 having a population of at least four hundred fifty thousand if such political subdivision is deemed
15 qualified by the department to inspect and investigate ambulatory surgical centers. The official
16 so designated shall submit a written report of his **or her** findings to the department and the
17 department may accept the recommendations of such official if it determines that the facility
18 inspected meets minimum standards established pursuant to sections 197.200 to 197.240.
19 **Inspection and investigation reports shall be made available to the public. Any portion of**
20 **a report may be redacted when made publicly available if such portion would disclose**
21 **information that is not subject to disclosure under the law.**

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