

HOUSE BILL NO. 374

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEWMAN.

0224H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 188 and 191, RSMo, by adding thereto two new sections relating to the disclosure of health care services, with penalty provisions.

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

Section A. Chapters 188 and 191, RSMo, are amended by adding thereto two new sections, to be known as sections 188.500 and 191.762, to read as follows:

188.500. The provisions of this section shall be known and may be cited as the "Truth in Medicine Act". No government health care agency nor any organization that receives government health care funding shall endorse any of five specific lies about abortion:

- (1) That it raises the risk of developing breast cancer;**
- (2) That it raises the risk of infertility;**
- (3) That it raises the risk of negative emotional or mental health problems;**
- (4) That most women regret having an abortion; or**
- (5) That abortion is more dangerous than the average medical procedure.**

191.762. 1. As used in this section, the following terms shall mean:

(1) "Certified nurse midwife", a registered nurse who is currently certified as a nurse midwife by the American College of Nurse-Midwives, or other nationally recognized certifying body approved by the board of nursing;

(2) "Certified nurse practitioner", a registered nurse who is currently certified as a nurse practitioner by a nationally recognized certifying body approved by the board of nursing;

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

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.

9 **(4) "Health information", any oral or written information in any form or medium**
10 **that relates to:**

11 **(a) The past, present, or future physical or mental health or condition of an**
12 **individual;**

13 **(b) The provision of health care to an individual; or**

14 **(c) The past, present, or future payment for the provision of health care to an**
15 **individual;**

16 **(5) "Medical services", includes, but is not limited to, prenatal sonography,**
17 **pregnancy tests, and pregnancy options counseling;**

18 **(6) "Physician", a physician licensed under chapter 334;**

19 **(7) "Physician assistant", a physician assistant licensed under sections 334.735 to**
20 **334.749;**

21 **(8) "Registered nurse", a person licensed under the provisions of chapter 335 to**
22 **engage in the practice of professional nursing.**

23 **2. (1) The provisions of this section shall apply to an entity if the primary purpose**
24 **of the entity is to provide pregnancy-related services and the entity advertises or solicits**
25 **patrons with offers to provide prenatal sonography, pregnancy tests, or pregnancy options**
26 **counseling.**

27 **(2) The provisions of this section shall not apply to an entity if, at all of the entity's**
28 **sites that are open to the public, the entity:**

29 **(a) Employs one or more of the following practitioners:**

30 **a. Physician;**

31 **b. Nurse practitioner;**

32 **c. Physician assistant;**

33 **d. Registered nurse; or**

34 **e. Nurse midwife; and**

35 **(b) Has one or more of the practitioners listed in paragraph (a) of this subdivision**
36 **onsite whenever medical services or treatment is provided.**

37 **(3) An entity shall provide written notice of whether the entity provides each of the**
38 **following:**

39 **(a) Contraceptive drugs or devices that are approved by the Food and Drug**
40 **Administration;**

41 **(b) An onsite consultation with a practitioner listed in paragraph (a) of subdivision**
42 **(2) of this subsection;**

43 **(c) Adoption services or referral for adoption services; and**

44 **(d) Abortion services or referral for abortion services.**

45 (4) The notice required under subdivision (3) of this subsection shall be:

46 (a) Conspicuously placed:

47 a. At all entrances to the premises at which the entity provides the services
48 described in subdivision (1) of this subsection;

49 b. In all areas where individuals wait to receive the services described in
50 subdivision (1) of this subsection;

51 c. On any website maintained by the entity that refers to the services described in
52 subdivision (1) of this subsection; and

53 d. In all advertisements promoting the services described in subdivision (1) of this
54 subsection or promoting the entity providing the services; and

55 (b) Written and provided in a manner that a reasonable person is likely to read and
56 understand before accepting the services described in subdivision (1) of this subsection.

57 (5) An entity that collects health information from a patron of the entity shall not
58 disclose the patron's health information to any other person without the written
59 authorization of the patron.

60 (6) Upon receipt of a written request from a patron of the entity to examine or
61 obtain a copy of any health information of the patron, an entity described in subdivision
62 (1) of this subsection shall:

63 (a) a. Make the health information of the patron that is in the entity's possession
64 or control available for examination by the patron during regular business hours; and

65 b. Notwithstanding any other provision of law to the contrary, provide at no charge
66 to the patron one copy of any health information of the patron that is in the entity's
67 possession or control to the patron, if requested; or

68 (b) Inform the patron that the entity does not have any health information of the
69 patron in the entity's possession or control.

70 3. (1) The department shall serve any person who violates the provisions of this
71 section with a written notice informing the person of the violation and stating that the
72 person may avoid an administrative penalty by curing the violation within five days of the
73 service of the notice.

74 (2) If the person fails to cure the violation within five days of the date of service of
75 the notice, the department shall impose an administrative penalty of at least two hundred
76 fifty dollars but not more than one thousand dollars.

77 (3) If the violation continues for more than seven days after the expiration of the
78 five-day period, the department may impose an additional administrative penalty of up to
79 five thousand dollars for the continued violation.

80 **(4) If the violation continues for more than fourteen days after the expiration of the**
81 **five-day period, the department may impose an additional administrative penalty of up to**
82 **ten thousand dollars for each week thereafter in which the violation continues.**

83 **(5) A person is entitled, upon request submitted within a time period prescribed by**
84 **the department by rule, to a contested case hearing to dispute any administrative penalty**
85 **imposed under this section. Any administrative decision shall be subject to judicial review**
86 **in accordance with chapter 536.**

87 **(6) All administrative penalties recovered under this section shall be deposited in**
88 **the state general revenue fund and shall be available for general governmental expenses.**

89 **(7) Nothing in this section shall be construed to prohibit the department from**
90 **maintaining an action in the name of the state for injunction or other process against any**
91 **person to restrain or prevent a violation of a requirement or prohibition under this section.**

92 **4. The department shall promulgate rules to implement the provisions of this**
93 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
94 **created under the authority delegated in this section shall become effective only if it**
95 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
96 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
97 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
98 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
99 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2017,**
100 **shall be invalid and void.**

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