

FIRST REGULAR SESSION

# SENATE BILL NO. 41

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0436S.01I

## AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to alternatives-to-abortion agencies.

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

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.125, to read as follows:

**188.125. 1. It is the intent of the general assembly to acknowledge the rights of an alternatives-to-abortion agency and its officers, agents, employees, and volunteers to freely assemble and to freely engage in religious practices and speech without governmental interference, and that the constitutions and laws of the United States and the state of Missouri shall be interpreted, construed, applied, and enforced to fully protect such rights.**

**2. A political subdivision of this state is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that prohibits, restricts, limits, controls, directs, inteferes with, or otherwise adversely affects an alternatives-to-abortion agency or its officers, agents, employees, or volunteers' assembly, religious practices, or speech, including but not limited to counseling, referrals, or education of, advertising or information to, other communications with, clients, patients, other persons, or the public.**

**3. Nothing in this section shall preclude or preempt a political subdivision of this state from exercising its lawful authority to regulate zoning or land use or to enforce a building or fire code regulation, provided that such political subdivision treats an alternatives-to-abortion agency in the same manner as a similarly situated agency and**

22 that such authority is not used to circumvent the intent of this section.

23 4. In any action to enforce the provisions of this section, a court  
24 of competent jurisdiction may order injunctive relief, recovery of  
25 damages, or both, as well as payment of reasonable attorney's fees,  
26 costs, and expenses. The remedies set forth shall not be deemed  
27 exclusive and shall be in addition to any other remedies permitted by  
28 law.

29 5. In addition to a private cause of action by an alternatives-to-  
30 abortion agency or its officers, agents, employees, or volunteers against  
31 a governmental entity, public official, or entity acting in a  
32 governmental capacity for violating the rights guaranteed under this  
33 section, the attorney general is also authorized to bring a cause of  
34 action to defend the rights guaranteed under this section.

35 6. As used in this section, "alternatives-to-abortion agency"  
36 means:

37 (1) A maternity home as defined in section 135.600;

38 (2) A pregnancy resource center as defined in section 135.630; or

39 (3) An agency or entity that has the primary purpose of  
40 providing services or counseling to pregnant women to assist such  
41 women in carrying their unborn children to term instead of having  
42 abortions, and to assist such women in caring for their dependent  
43 children or placing their children for adoption, as described in section  
44 188.325.

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