

SENATE BILL NO. 443

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1988S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 1.205 and 188.015, RSMo, and to enact in lieu thereof two new sections relating to the right to life.

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

Section A. Sections 1.205 and 188.015, RSMo, are repealed
2 and two new sections enacted in lieu thereof, to be known as
3 sections 1.205 and 188.015, to read as follows:

1.205. 1. **The provisions of this section shall be
2 known and may be cited as the "Right to Due Process Act".**

The general assembly of this state finds that:

4 (1) The life of each human being begins at
5 [conception] **fertilization and each human being is hereby
6 deemed a person beginning at the time of fertilization;**

7 (2) [Unborn] Children **in women's wombs** have
8 protectable interests in life, health, and well-being;

9 (3) The natural parents of [unborn children] **a child
10 in a woman's womb** have protectable interests in the life,
11 health, and well-being of their [unborn] child **in the womb.**

12 2. Effective January 1, 1988, the laws of this state
13 shall be interpreted and construed to acknowledge on behalf
14 of the [unborn] child **in a woman's womb** at every stage of
15 development[,] all the rights, privileges, and immunities
16 available to other persons, citizens, and residents of this
17 state[, subject only to the Constitution of the United
18 States, and decisional interpretations thereof by the United

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

19 States Supreme Court and specific provisions to the contrary
20 in the statutes and constitution of this state].

21 3. As used in this section, the term ["unborn
22 children" or "unborn child"] **"child in a woman's womb" or**
23 **"children in women's wombs"** shall include all [unborn child
24 or] children [or] **and** the offspring of human beings from the
25 moment of [conception] **fertilization** until birth, at every
26 stage of biological development. **Any reference in statute**
27 **to "unborn children" shall have the same meaning as**
28 **"children in women's wombs"**.

29 4. Nothing in this section shall be interpreted as
30 creating a cause of action against a woman for indirectly
31 harming [her unborn] **a child in her womb** by failing to
32 properly care for herself or by failing to follow any
33 particular program of prenatal care.

34 5. **Law enforcement officers, officers of the court,**
35 **and any licensed or state-regulated entities in the state**
36 **shall affirmatively enforce Article I, Section 10 of the**
37 **Constitution of Missouri, which specifies that no person**
38 **shall be deprived of life, liberty, or property without due**
39 **process of law.**

40 6. **If any provisions of this section are ever**
41 **temporarily or permanently restrained or enjoined by**
42 **judicial order, this section shall be enforced as though**
43 **such restrained or enjoined provisions had not been adopted;**
44 **provided that, whenever such temporary or permanent**
45 **restraining order or injunction is stayed or dissolved, or**
46 **otherwise ceases to have effect, such provisions shall have**
47 **full force and effect.**

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

3 (1) "Abortion":

4 (a) The act of using or prescribing any instrument,
5 device, medicine, drug, or any other means or substance with
6 the intent to destroy the life of an embryo or fetus in his
7 or her mother's womb; or

8 (b) The intentional termination of the pregnancy of a
9 mother by using or prescribing any instrument, device,
10 medicine, drug, or other means or substance with an
11 intention other than to increase the probability of a live
12 birth or to remove a dead unborn child;

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

16 (3) "Conception", the fertilization of the ovum of a
17 female by a sperm of a male;

18 (4) "Department", the department of health and senior
19 services;

20 (5) "Down Syndrome", the same meaning as defined in
21 section 191.923;

22 (6) "Gestational age", length of pregnancy as measured
23 from the first day of the woman's last menstrual period;

24 (7) "Medical emergency", a condition which, based on
25 reasonable medical judgment, so complicates the medical
26 condition of a pregnant woman as to necessitate the
27 immediate abortion of her pregnancy to avert the death of
28 the pregnant woman or for which a delay will create a
29 serious risk of substantial and irreversible physical
30 impairment of a major bodily function of the pregnant woman;

31 (8) "Physician", any person licensed to practice
32 medicine in this state by the state board of registration
33 for the healing arts;

34 (9) "Reasonable medical judgment", a medical judgment
35 that would be made by a reasonably prudent physician,

36 knowledgeable about the case and the treatment possibilities
37 with respect to the medical conditions involved;

38 (10) "Unborn child", the offspring of human beings
39 from the moment of [conception] **fertilization** until birth
40 and at every stage of its biological development, including
41 the human conceptus, zygote, morula, blastocyst, embryo, and
42 fetus. **"Unborn child" shall also have the same meaning as**
43 **"child in a woman's womb";**

44 (11) "Viability" or "viable", that stage of fetal
45 development when the life of the unborn child may be
46 continued indefinitely outside the womb by natural or
47 artificial life-supportive systems;

48 (12) "Viable pregnancy" or "viable intrauterine
49 pregnancy", in the first trimester of pregnancy, an
50 intrauterine pregnancy that can potentially result in a
51 liveborn baby.

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