

SB 1 [SB 1]

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

Modifies laws relating to abortion.

AN ACT to repeal section 188.080, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions and an emergency clause.

SECTION

- A. Enacting clause.
 - 188.031. Next friend defined for purposes of the procedure for a minor to obtain an abortion.
 - 188.080. Abortion performed by other than a physician with surgical privileges at a hospital, a felony.
 - 188.250. Causing, aiding, or assisting a minor to obtain an abortion prohibited, civil penalty — impermissible defenses — court injunction authorized, when.
- B. Emergency clause.

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

SECTION A. ENACTING CLAUSE. — Section 188.080, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 188.031, 188.080, and 188.250, to read as follows:

188.031. NEXT FRIEND DEFINED FOR PURPOSES OF THE PROCEDURE FOR A MINOR TO OBTAIN AN ABORTION. — For purposes of section 188.028, the term "next friend" shall not include another minor child, or any entity or person in an individual or representative capacity that has a financial interest or potential gain from the proposed abortion, or any employee of or volunteer for such entity or person.

188.080. ABORTION PERFORMED BY OTHER THAN A PHYSICIAN WITH SURGICAL PRIVILEGES AT A HOSPITAL, A FELONY. — [Notwithstanding any other penalty provision in this chapter,] Any person who is not a [licensed] physician [as defined in section 188.015] who performs **or induces** or attempts to perform **or induce** an abortion on another [as defined in subdivision (1) of section 188.015,] is guilty of a class B felony, and, upon conviction, shall be punished as provided by law. Any physician performing **or inducing** an abortion who does not have [surgical] **clinical** privileges at a hospital which offers obstetrical or gynecological care **located within thirty miles of the location at which the abortion is performed or induced** shall be guilty of a class [B felony] **A misdemeanor**, and, upon conviction shall be punished as provided by law.

188.250. CAUSING, AIDING, OR ASSISTING A MINOR TO OBTAIN AN ABORTION PROHIBITED, CIVIL PENALTY — IMPERMISSIBLE DEFENSES — COURT INJUNCTION AUTHORIZED, WHEN. — **1. No person shall intentionally cause, aid, or assist a minor to obtain an abortion without the consent or consents required by section 188.028.**

2. A person who violates subsection 1 of this section shall be civilly liable to the minor and to the person or persons required to give the consent or consents under section 188.028. A court may award damages to the person or persons adversely affected by a violation of subsection 1 of this section, including compensation for emotional injury without the need for personal presence at the act or event, and the court may further award attorneys' fees, litigation costs, and punitive damages. Any adult who engages in or consents to another person engaging in a sex act with a minor in violation of the provisions of chapters 566, 567, 568, or 573, RSMo, which results in the minor's pregnancy shall not be awarded damages under this section.

3. It shall not be a defense to a claim brought under this section that the abortion was performed or induced pursuant to consent to the abortion given in a manner that is otherwise lawful in the state or place where the abortion was performed or induced.

4. An unemancipated minor does not have capacity to consent to any action in violation of this section or section 188.028.

5. A court may enjoin conduct that would be in violation of this section upon petition by the attorney general, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:

(1) Is reasonably anticipated to occur in the future; or

(2) Has occurred in the past, whether with the same minor or others, and that it is not unreasonable to expect that such conduct will be repeated.

SECTION B. EMERGENCY CLAUSE. — Because of the need to ensure the health and safety of any person obtaining an abortion and to ensure compliance with existing abortion regulations, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.

Approved September 15, 2005

SB 4 [SB 4]

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

Modifies the application of the workers' compensation system to certain cases.

AN ACT to repeal section 287.110 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 1 & 130 and approved by the governor on March 30, 2005, and to enact in lieu thereof one new section relating to the applicability of workers' compensation law.

SECTION

A. Enacting clause.

287.110. Scope of chapter as to injuries and diseases covered.

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

SECTION A. ENACTING CLAUSE. — Section 287.110 as enacted by the first regular session of the ninety-third general assembly in conference committee substitute for house committee substitute for senate substitute for senate committee substitute for senate bills nos. 1 & 130 and approved by the governor on March 30, 2005, is repealed and one new section enacted in lieu thereof, to be known as section 287.110, to read as follows:

287.110. SCOPE OF CHAPTER AS TO INJURIES AND DISEASES COVERED. — 1. This chapter shall apply to all cases within its provisions except those exclusively covered by any federal law [and those addressed in section 287.120].

2. This chapter shall apply to all injuries received and occupational diseases contracted in this state, regardless of where the contract of employment was made, and also to all injuries received and occupational diseases contracted outside of this state under contract of employment made in this state, unless the contract of employment in any case shall otherwise provide, and also to all injuries received and occupational diseases contracted outside of this state where the employee's employment was principally localized in this state within thirteen calendar weeks of the injury or diagnosis of the occupational disease.

Approved September 15, 2005
