

Reproductive Health Law in Missouri

Summary

188.010 states the intention of the General Assembly to grant the right to life to all humans born and unborn and to regulate abortion to the full extent permitted by federal law.

Abortion

188.025 prohibits non-physicians from performing or inducing abortions.

188.025 prohibits performance of abortion without the prior, informed, written and freely given consent of the pregnant woman.

188.029 requires physicians, prior to performing an abortion on a woman reasonably believed to be at least 20 weeks pregnant, to perform certain tests to determine fetal viability.

188.030 applies to post-viability abortions: it prohibits abortion of a viable fetus unless necessary to preserve the life or health of the woman; it also specifies that a method be chosen and a second doctor be present in order to preserve the life of the fetus, where such efforts do not cause a greater risk to the pregnant woman.

188.047 requires a pathologist's tissue report to the department of health for each abortion.

188.052 requires physicians to file reports for each abortion and each complication from abortion with the department of health; the department is mandated to compile and analyze the data from these reports and publish a statistical report based thereon annually.

Abortion – Treatment of Minors

188.028 specifies that before a minor (under the age of 18) may obtain an abortion she must: have the written consent of a parent, guardian or court; be emancipated; or be given the right to self-consent by court order; this section also provides procedures for minors seeking juvenile court consent or the right to self-consent.

Medical Provider and Institution Refusals

188.210 prohibits public employees from performing or assisting an abortion not necessary to save a woman's life.

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Medical Provider and Institution Refusals (continued)

188.215 prohibits public facilities to be used to perform or assist an abortion unless necessary to save a woman's life.

188.105 prohibits discrimination by employers because of an individual's refusal to participate in abortion except where it is a bona fide occupational qualification or the refusal cannot be reasonably accommodated.

188.110 prohibits discrimination by colleges, universities and hospitals because of a person's refusal to participate in abortion and exempts those affiliated with these institutions from paying a fee to fund an abortion for another person.

Enforcement and Penalty

188.220 grants Missouri taxpayers standing to sue to enforce the provision of Chapter 188.

188.065 provides for the revocation of the license or authority to practice of health personnel who do or assist actions made unlawful by Chapter 188.

188.075 provides criminal misdemeanor penalties for violation of this chapter.

188.080 provides felony penalties for non-physicians who perform abortions and for physicians who perform the procedure without having surgical privileges at a hospital offering OB/GYN care.

188.120 creates a civil cause of action on behalf of those injured by actions prohibited by this chapter with allowance for treble damages, costs and attorney fees.

188.130 prohibits any cause of action based on the claim that but for the negligent conduct of another a birth would not have occurred (sometimes called a suit for "wrongful life").

334.100 provides for discipline of physicians who violate statutes regulating abortions.

Abortion Funding

191.320 prohibits genetic diagnosis and counseling centers that contract with the department of health from referring clients for abortions except where carrying to term would endanger the life of the pregnant woman.

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Abortion Funding (continued)

208.152 provides that Medicaid funds for family planning services are not to include abortion except when the woman's life would be endangered by continuing the pregnancy.

376.805 allows health insurance contracts in Missouri to cover abortion only when a separate rider is requested and additional premium is paid.

188.205 prohibits the use of public funds for abortion unless necessary to save a woman's life.

Additional laws affecting abortion are found in these sections:

1.205 defines life as beginning at conception.

188.035 defines the taking of the life of a child aborted alive as second degree murder.

188.037 prohibits use of fetus or child aborted alive for experimentation except to preserve the life of such fetus or child.

188.055 recites the purposes of the consents and reports required by Chapter 188 and requires that the department of health provide appropriate forms for such consents and reports; this section also stipulates that such information is confidential and can be used for statistical purposes only. (188.070 defines the penalty for breach of this confidentiality.)

188.060 specifies that records required to be kept under Chapter 188 be kept for seven years.