

SECOND REGULAR SESSION

HOUSE BILL NO. 2369

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LEWIS (25).

3440H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 188.015 and 188.043, RSMo, and to enact in lieu thereof two new sections relating to medical malpractice insurance.

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

Section A. Sections 188.015 and 188.043, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 188.015 and 188.043, to read as follows:

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

2 (1) "Abortion":

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

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

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

11 (3) **"Advanced practice registered nurse", the same meaning given to the term in**
12 **section 335.016;**

13 (4) "Conception", the fertilization of the ovum of a female by a sperm of a male;

14 [~~4~~] (5) "Department", the department of health and senior services;

15 [~~5~~] (6) "Down Syndrome", the same meaning as defined in section 191.923;

16 [~~6~~] (7) "Gestational age", length of pregnancy as measured from the first day of the
17 woman's last menstrual period;

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.

18 ~~[(7)]~~ **(8) "Health care professional", a physician or other health care practitioner**
19 **licensed, accredited, or certified by the state of Missouri to perform specified health**
20 **services consistent with state law;**

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

26 ~~[(8)]~~ **(10) "Physician", any person licensed to practice medicine in this state by the**
27 **state board of registration for the healing arts;**

28 ~~[(9)]~~ **(11) "Reasonable medical judgment", a medical judgment that would be made**
29 **by a reasonably prudent physician, knowledgeable about the case and the treatment**
30 **possibilities with respect to the medical conditions involved;**

31 ~~[(10)]~~ **(12) "Registered nurse", the same meaning given to the term in section**
32 **335.016;**

33 **(13) "Unborn child", the offspring of human beings from the moment of conception**
34 **until birth and at every stage of its biological development, including the human conceptus,**
35 **zygote, morula, blastocyst, embryo, and fetus;**

36 ~~[(11)]~~ **(14) "Viability" or "viable", that stage of fetal development when the life of the**
37 **unborn child may be continued indefinitely outside the womb by natural or artificial life-**
38 **supportive systems;**

39 ~~[(12)]~~ **(15) "Viable pregnancy" or "viable intrauterine pregnancy", in the first**
40 **trimester of pregnancy, an intrauterine pregnancy that can potentially result in a liveborn**
41 **baby.**

188.043. 1. No person shall perform or induce an abortion on another unless such
2 person has medical malpractice insurance with coverage amounts of at least one million
3 dollars per occurrence and three million dollars in the annual aggregate.

4 2. For the purpose of this section, "medical malpractice insurance" means insurance
5 coverage against the legal liability of the insured and against loss, damage, or expense
6 incident to a claim arising out of the death or injury of any person as a result of the negligence
7 or malpractice in rendering professional service by any health care provider.

8 3. No abortion facility or hospital shall employ or engage the services of a person to
9 perform or induce an abortion on another if the person does not have medical malpractice
10 insurance pursuant to this section, except that the abortion facility or hospital may provide
11 medical malpractice insurance for the services of persons employed or engaged by such
12 facility or hospital which is no less than the coverage amounts set forth in this section.

13 4. Notwithstanding the provisions of section 334.100, failure of a person to maintain
14 the medical malpractice insurance required by this section shall be an additional ground for
15 sanctioning of a person's license, certificate, or permit.

16 **5. Providers of medical malpractice insurance shall not refuse, abrogate, or deny**
17 **coverage to any physician, advanced practice registered nurse, registered nurse, or**
18 **other health care professional solely because he or she provides or assists in the**
19 **provision of abortions.**

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