

SENATE BILL NO. 1103

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5367S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to prohibiting public financial benefits to abortion facilities and their affiliates or associates.

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

Section A. Chapter 188, RSMo, is amended by adding thereto
2 one new section, to be known as section 188.212, to read as
3 follows:

**188.212. 1. As used in this section, the following
2 terms shall mean:**

(1) "Project", any work or undertaking to:

**(a) Purchase or acquire by any means, or sell,
4 transfer, or dispose of by any means, any lands, buildings,
5 structures, facilities, places, or premises;**

**(b) Build, house, rent to, lease to, sublease to,
7 license to, or otherwise provide or make available lands,
8 buildings, structures, facilities, places, or premises for
9 residential, recreational, commercial, medical, industrial,
10 nonprofit, governmental, or other public or private use;**

**(c) Demolish or remove existing buildings, structures,
11 facilities, places, or premises to prepare the site for use;**

12 or

**(d) Develop, construct, expand, erect, alter,
13 reconstruct, rehabilitate, renovate, repair, or otherwise
14 improve or change lands, buildings, structures, facilities,
15 places, or premises;**

19 (2) "Public financial benefit", any economic or
20 financial benefit offered or provided by the state or any of
21 its political subdivisions by or through:

22 (a) Any money appropriated, or any other money or
23 thing of value made available by gift, donation, bequest,
24 devise, contribution, advance, loan, grant, including pass-
25 through or pass-on grants or funds, or by any means;

26 (b) Any tax reduction, diversion, credit, forgiveness,
27 abatement, subsidy, or other tax-relieving measure;

28 (c) Any tax increment financing or similar financial
29 arrangement;

30 (d) Any monetary or nonmonetary benefit related to any
31 bond, loan, or similar financial arrangement;

32 (e) Any reduction, credit, forgiveness, abatement,
33 subsidy, or other relief related to any bond, loan, or
34 similar financial arrangement; or

35 (f) The ability to form, own, direct, or receive any
36 economic or financial benefit from any special taxation
37 district.

38 2. Notwithstanding any provision of law to the
39 contrary, beginning August 28, 2022:

40 (1) No project for a proposed or existing abortion
41 facility or affiliate or associate of an abortion facility
42 shall be eligible for a public financial benefit;

43 (2) Any lands, buildings, structures, facilities,
44 places, or premises upon which a project that received a
45 public financial benefit has been completed shall be
46 restricted in perpetuity from being used by or for the
47 benefit of an abortion facility or affiliate or associate of
48 an abortion facility. Such restriction shall be considered
49 a covenant that runs with the land; and

50 (3) The state or any of its political subdivisions
51 that is offering or providing a public financial benefit to
52 a project shall notify the recipient or recipients of such
53 benefit of the restrictions set forth in this section.

54 3. Nothing in this section shall be construed to
55 prohibit the state or any of its political subdivisions from
56 providing a service that is intended for the health, safety,
57 or welfare of the public at large and which may have the
58 indirect effect of benefitting an abortion facility or
59 affiliate or associate of an abortion facility.

60 4. Any person who or entity that receives a public
61 financial benefit for a project and violates the provisions
62 of this section shall:

63 (1) Forfeit all rights to retain or receive such
64 benefit;

65 (2) Be subject to such action as the state or any of
66 its political subdivisions deems appropriate to effect and
67 secure repayment of any benefit received, along with
68 interest and a ten percent penalty on the total amount of
69 the benefit; and

70 (3) Not be eligible to retain or receive a public
71 financial benefit from the state or any of its political
72 subdivisions for another otherwise eligible project.

73 5. In any taxpayer suit to enforce the provisions of
74 this section, a court of competent jurisdiction may order
75 injunctive or other equitable relief, recovery of damages or
76 other legal remedies, or both, as well as payment of
77 reasonable attorney's fees, costs, and expenses of the
78 taxpayer. The relief and remedies set forth shall not be
79 deemed exclusive and shall be in addition to any other
80 relief or remedies permitted by law.

81 6. If the state auditor audits the state or any of its
82 political subdivisions for an alleged violation of the
83 provisions of this section and has reasonable cause to
84 believe or suspect a violation has occurred, the state
85 auditor shall notify the attorney general.

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