

SENATE BILL NO. 1178

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE AND SENATOR CIERPIOT.

5759S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 338.270 and 338.337, RSMo, and to enact in lieu thereof three new sections relating to abortion, with penalty provisions.

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

Section A. Sections 338.270 and 338.337, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 188.090, 338.270, and 338.337, to read as
4 follows:

188.090. 1. A person or entity commits the offense of
2 trafficking abortion-inducing devices or drugs if such
3 person or entity knowingly imports, exports, distributes,
4 delivers, manufactures, produces, prescribes, administers,
5 or dispenses or attempts to import, export, distribute,
6 deliver, manufacture, produce, prescribe, administer, or
7 dispense any instrument, device, medicine, drug, or any
8 other means or substance to be used for the purpose of
9 performing or inducing an abortion on another person in
10 violation of any state or federal law.

11 2. The offense of trafficking abortion-inducing
12 devices or drugs is a class B felony.

13 3. The offense of trafficking abortion-inducing
14 devices or drugs is a class A felony if:

15 (1) The abortion was performed or induced or was
16 attempted to be performed or induced on a woman carrying an
17 unborn child of more than ten weeks gestational age;

18 (2) The abortion was performed or induced or was
19 attempted to be performed or induced on a woman who has an
20 ectopic pregnancy;

21 (3) The abortion was performed or induced or was
22 attempted to be performed or induced on a woman who is a
23 victim of trafficking as defined in section 566.200;

24 (4) The quantity involved is sufficient for performing
25 or inducing abortions on three or more women;

26 (5) It is the second or subsequent offense of
27 trafficking abortion-inducing devices or drugs; or

28 (6) The location of the offense is:

29 (a) Within two thousand feet of real property
30 comprising a public or private elementary, vocational, or
31 secondary school, college, community college, university, or
32 any school bus;

33 (b) In or on the real property comprising public
34 housing or any other governmental assisted housing;

35 (c) Within a motor vehicle; or

36 (d) In any structure or building which contains rooms
37 furnished for the accommodation or lodging of guests, and
38 kept, used, maintained, advertised, or held out to the
39 public as a place where sleeping accommodations are sought
40 for pay or compensation to transient guests or permanent
41 guests.

338.270. 1. Application blanks for renewal permits
2 shall be mailed to each permittee on or before the first day
3 of the month in which the permit expires and, if application
4 for renewal of permit is not made before the first day of
5 the following month, the existing permit, or renewal
6 thereof, shall lapse and become null and void upon the last
7 day of that month.

8 2. The board of pharmacy shall not renew a nonresident
9 pharmacy license if the renewal applicant does not hold a
10 current pharmacy license or its equivalent in the state in
11 which the nonresident pharmacy is located.

12 **3. The board of pharmacy shall not issue or renew a**
13 **nonresident pharmacy license if the applicant or licensee**
14 **delivers directly to a patient within this state via common**
15 **carrier, mail, carrier services, or any other delivery**
16 **service any instrument, device, medicine, drug, or any other**
17 **means or substance to be used for the purpose of performing**
18 **or inducing an abortion, as defined in section 188.015.**

 338.337. 1. It shall be unlawful for any out-of-state
2 wholesale drug distributor, out-of-state pharmacy acting as
3 a distributor, drug outsourcers, or third-party logistics
4 provider to do business in this state without first
5 obtaining a license to do so from the board of pharmacy and
6 paying the required fee, except as otherwise provided by
7 section 338.335 and this section. Application for an out-of-
8 state wholesale drug distributor's, drug outsourcer's, or
9 out-of-state third-party logistics provider's license under
10 this section shall be made on a form furnished by the
11 board. The issuance of a license under sections 338.330 to
12 338.370 shall not change or affect tax liability imposed by
13 the Missouri department of revenue on any entity. Any out-
14 of-state wholesale drug distributor that is a drug
15 manufacturer and which produces and distributes from a
16 facility which has been inspected and approved by the Food
17 and Drug Administration, maintains current approval by the
18 federal Food and Drug Administration, and has provided a
19 copy of the most recent Food and Drug Administration
20 Establishment Inspection Report to the board, and which is
21 licensed by the state in which the distribution facility is

22 located, or, if located within a foreign jurisdiction, is
23 authorized and in good standing to operate as a drug
24 manufacturer within such jurisdiction, need not be licensed
25 as provided in this section but such out-of-state
26 distributor shall register its business name and address
27 with the board of pharmacy and pay a filing fee in an amount
28 established by the board.

29 **2. It shall be unlawful for a licensed or registered**
30 **out-of-state wholesale drug distributor, out-of-state**
31 **pharmacy acting as a distributor, drug outsourcer, or third-**
32 **party logistics provider to deliver directly to a patient**
33 **within this state via common carrier, mail, carrier service,**
34 **or any other delivery service any instrument, device,**
35 **medicine, drug, or any other means or substance to be used**
36 **for the purpose of performing or inducing an abortion, as**
37 **defined in section 188.015.**

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