

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 749

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAMPING.

Offered February 21, 2012.

Senate Substitute adopted, March 27, 2012.

Taken up for Perfection March 27, 2012. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

5697S.02P

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the protection of the religious beliefs and moral convictions of certain persons and entities, with an emergency clause.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.724, to read as follows:

191.724. 1. The rights guaranteed under this section are in addition to the rights guaranteed under section 376.805, relating to health plan coverage of abortion, and section 376.1199, relating to health plan coverage of certain obstetrical and gynecological benefits and pharmaceutical coverage.

(1) No employee, self-employed person, or any other person shall be compelled to obtain coverage for, or be discriminated against or penalized for declining or refusing coverage for, abortion, contraception, or sterilization in a health plan if such items or procedures are contrary to the religious beliefs or moral convictions of such employee or person. When an employee declines or refuses coverage for such items or procedures under this subdivision, any health carrier as defined under section 376.1350, shall make available and the employer shall provide an alternate health plan that excludes coverage for abortion, contraception, or sterilization if the use or provision of such items or procedures are contrary to the religious

17 beliefs or moral convictions of such person or entity.

18 (2) No employer, health plan provider, health plan sponsor,
19 health care provider, or any other person or entity shall be compelled
20 to provide coverage for, or be discriminated against or penalized for
21 declining or refusing coverage for, abortion, contraception, or
22 sterilization in a health plan if such items or procedures are contrary
23 to the religious beliefs or moral convictions of such employer, health
24 plan provider, health plan sponsor, health care provider, person, or
25 entity.

26 (3) No governmental entity, public official, or entity acting in a
27 governmental capacity shall discriminate against or penalize an
28 employee, self-employed person, employer, health plan provider, health
29 plan sponsor, health care provider, or any other person or entity
30 because of such employee's, self-employed person's, employer's, health
31 plan provider's, health plan sponsor's, health care provider's, or other
32 person's or entity's unwillingness, based on religious beliefs or moral
33 convictions, to obtain or provide coverage for, pay for, participate in,
34 or refer for, abortion, contraception, or sterilization in a health plan.

35 2. Whenever the attorney general has a reasonable cause to
36 believe that any person or entity or group of persons or entities is
37 being, has been, or is threatened to be, denied any of the rights granted
38 by this section or other law that protects the religious beliefs or moral
39 convictions of such persons or entities, and such denial raises an issue
40 of general public importance, the attorney general may bring a civil
41 action in any appropriate state or federal court. Such complaint shall
42 set forth the facts and request such appropriate relief, including, but
43 not limited to, an application for a permanent or temporary injunction,
44 restraining order, or other order against the person or persons,
45 including public officials, or the persons or entities, including a
46 governmental entity or entity acting in a governmental capacity,
47 responsible for such denial or threatened denial of rights, as the
48 attorney general deems necessary to ensure the full enjoyment of the
49 rights granted by law. Nothing contained herein shall preclude a
50 private cause of action by any person or entity aggrieved by a violation
51 of this section or other law that protects the religious beliefs or moral
52 convictions of such persons or entities, or be considered a limitation on
53 any other remedy permitted by law. A court may order any appropriate

54 relief, including recovery of damages, payment of reasonable attorney's
55 fees, costs, and expenses.

56 3. For purposes of this section, "sterilization" shall mean any
57 elective medical procedure for which the sole purpose is to make an
58 individual incapable of reproduction, except that sterilization shall not
59 mean when the procedure is for the purpose of making an individual
60 incapable of reproduction because of such person's diagnosed
61 hereditary genetic disease or disorder.

62 4. Nothing in this section shall be construed to exclude coverage
63 for prescription contraceptive drugs or devices ordered by a health
64 care provider with prescriptive authority for reasons other than
65 contraceptive or abortion purposes.

Section B. Because immediate action is necessary to preserve the religious
2 freedom and moral convictions of persons and entities who provide or obtain
3 health plans or health care for themselves, their employees, patients or others,
4 and because certain actions by the federal government threaten the obtaining or
5 providing of such health plans and health care as of August 1, 2012, section A of
6 this act is deemed necessary for the immediate preservation of the public health,
7 welfare, peace and safety, and is hereby declared to be an emergency act within
8 the meaning of the constitution, and section A of this act shall be in full force and
9 effect upon its passage and approval.

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