

By: Senator(s) McLendon

To: Public Health and Welfare

SENATE BILL NO. 2749

1 AN ACT TO ENACT THE SAFEGUARDING TEENS FROM OUT-OF-STATE
 2 PROCEDURES ACT; TO STATE LEGISLATIVE FINDINGS; TO DEFINE TERMS; TO
 3 CRIMINALIZE THE PROCUREMENT OF AN ABORTION FOR A MINOR GIRL,
 4 OBTAINING OF AN ABORTION-INDUCING DRUG OR THE AIDING OR ABETTING
 5 THE MINOR GIRL IN DOING SO BY HARBORING OR TRANSPORTING THE GIRL
 6 WITHIN THIS STATE; TO PROVIDE THAT SUCH A CRIME SHALL BE A FELONY;
 7 TO PROVIDE CRIMINAL PENALTIES; TO PROVIDE AN AFFIRMATIVE OFFENSE;
 8 TO CREATE A PRIVATE CAUSE OF ACTION; TO PROVIDE FOR SEVERABILITY
 9 OF THE ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** This act shall be known and may be cited as the
 12 "Safeguarding Teens from Out-of-State Procedures Act" or the "STOP
 13 Act."

14 **SECTION 2.** The Legislature finds and declares that:

15 (a) The medical, emotional and psychological
 16 consequences of abortion are often serious and can be lasting,
 17 particularly when the patient is young or immature.

18 (b) Parents and guardians usually possess information
 19 essential to a health care provider's exercise of the provider's
 20 best medical judgment concerning a minor girl.



21 (c) Parents or a guardian should be consulted and
22 provided with all relevant information related to any medical
23 procedure their child may undergo, including abortion.

24 (d) Parents and guardians have the fundamental right to
25 make health care decisions in their child's best interest and
26 should be fully supported and informed as they make those
27 decisions.

28 (e) Mississippi requires parental consent before a
29 minor girl undergoes an abortion or receives abortion inducing
30 drugs under Section 41-41-3 and Sections 41-41-51 through
31 41-41-63.

32 (f) Any adult who disregards or circumvents the
33 parental involvement requirements of this state commits a crime
34 and should also be held civilly liable to the minor girl's parents
35 or guardian.

36 **SECTION 3.** As used in this act, the following words and
37 phrases have the meanings ascribed in this section unless the
38 context clearly requires otherwise:

39 (a) "Abortion" means the act of using or prescribing
40 any instrument, medicine, drug or other substance, device or means
41 with the intent to terminate the clinically diagnosable pregnancy
42 of a woman and for the purpose of ensuring the death of her unborn
43 child. Such use, prescription or means is not an "abortion" if
44 done with the intent to:



- 45 (i) Save the life or preserve the health of the
46 unborn child;
- 47 (ii) Remove a dead unborn child caused by
48 miscarriage;
- 49 (iii) Remove an ectopic pregnancy; or
- 50 (iv) Perform a pre-viability separation procedure
51 when such procedure is, in reasonable medical judgment, necessary
52 to save or preserve the life of the pregnant woman.

53 (b) "Abortion-inducing drug" means any medicine, drug
54 or other substance prescribed or dispensed with the intent of
55 terminating the clinically diagnosable pregnancy of a woman and
56 for the purpose of ensuring the death of her unborn child.
57 "Abortion-inducing drug" includes the off-label use of drugs known
58 to have abortion-inducing properties which are prescribed
59 specifically with the intent of causing an abortion.
60 "Abortion-inducing drug" does not include drugs that may be known
61 to cause an abortion but which are prescribed for other medical
62 indications.

63 (c) "Ectopic pregnancy" means the state of carrying an
64 unborn child outside of the uterine cavity.

65 (d) "Harboring" means providing assistance to a minor
66 girl in order to procure an abortion or to obtain
67 abortion-inducing drugs without the knowledge, consent or
68 involvement of her parents or legal guardian.



69 (e) "Minor girl" means a female resident of the State
70 of Mississippi under the age of eighteen (18) who is not
71 emancipated.

72 (f) "Miscarriage" means a spontaneous loss of the
73 unborn child.

74 (g) "Transporting" means to move a minor girl within,
75 into, out of or through the State of Mississippi for the purpose
76 of procuring an abortion or obtaining abortion-inducing drugs.

77 (h) "Pre-viability separation procedure" means a
78 medical procedure performed by a physician to remove an unborn
79 child from his or her mother's uterine cavity before that stage of
80 fetal development when, in the reasonable medical judgment of the
81 physician based on the particular facts of the case before him or
82 her and in light of the most advanced medical technology and
83 information available to him or her, there is a reasonable
84 likelihood of sustained survival of the unborn child outside the
85 body of his or her mother, with or without artificial support.
86 The term does not include an "abortion" as defined in paragraph
87 (a) of this section.

88 **SECTION 4.** (1) Nothing in this act shall be construed as
89 creating or recognizing a right to abortion.

90 (2) Any person who, with the intent to conceal an abortion
91 from the parents or guardian of a minor girl, procures an abortion
92 for the minor girl, obtains an abortion-inducing drug for the
93 minor girl, or aids or abets the minor girl in procuring an



94 abortion or obtaining an abortion-inducing drug, by harboring or
95 transporting the minor girl within this state commits a felony
96 punishable, upon conviction, by a term not to exceed fifteen (15)
97 years in the custody of the Mississippi Department of Corrections
98 or a fine not to exceed Ten Thousand Dollars (\$10,000.00), or both
99 imprisonment and fine.

100 (3) As used in section, the terms "procure" and "obtain"
101 shall not include providing information regarding a health benefit
102 plan or constitutionally protected speech or expression.

103 (4) Nothing in this act may be construed to subject the
104 minor girl to criminal conviction or penalty.

105 (5) (a) It is an affirmative defense to prosecution that a
106 parent or guardian of the minor girl consented to the harboring or
107 transporting of the minor girl.

108 (b) It is not an affirmative defense that the person or
109 entity performing the abortion or providing the abortion-inducing
110 drug is located in another state.

111 **SECTION 5.** (1) In addition to any and all remedies
112 available under the common or statutory law of Mississippi, a
113 person shall have a private cause of action for a violation of
114 this act and may recover actual damages, punitive damages under
115 Section 11-1-65, injunctive relief and reasonable attorney's fees
116 and costs.

117 (2) Nothing in this act may be construed to subject the
118 minor girl to civil liability or penalty.



119 **SECTION 6.** (1) Nothing in this act shall be construed as
120 creating or recognizing a right to abortion.

121 (2) It is not the intention of this act to make lawful an
122 abortion that is currently unlawful.

123 **SECTION 7.** The provisions of this act shall be severable
124 under Section 1-3-77.

125 **SECTION 8.** This act shall take effect and be in force from
126 and after its passage.

