

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 10—Office of the Director**  
**Chapter 15—Abortions**

**PROPOSED AMENDMENT**

**19 CSR 10-15.060 Prohibition on Expenditure of Funds.** The department is updating the rule purpose, amending sections (1), (2), and (4), and removing the form which follows the rule in the Code of State Regulations.

*PURPOSE: The department is updating House Bill 2010 references and specific language in the rule purpose and sections (1), (2), and (4) to align with HB10, which is the Fiscal Year 2020 budget bill.*

*PURPOSE: This rule defines terms used in [House Bill 2010, 99th General Assembly, Second Regular Session] **House Bill 10, 100<sup>th</sup> General Assembly, First Regular Session**, for purposes of expenditures by the Department of Health and Senior Services.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Definitions.

(A) Affiliate of [*an abortion facility*] **any clinic, physician's office, or any other place or facility in which abortions are performed or induced** (as used in section 10.1100 of HB [2010] 10 and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares, or has in common, any resource with [*an abortion facility*] **any clinic, physician's office, or any other place or facility in which abortions are performed or induced** including, but not limited to, operating funds, bank accounts, facilities, employees, service contracts, equipment, mailing lists, trademarks, copyrights, service marks, brands, trade names, financial reporting, marketing, advertising, websites, information and education materials, or any other assets.

(B) Associate of *[an abortion facility]* **any clinic, physician’s office, or any other place or facility in which abortions are performed or induced** (as used in section 10.1100 of HB *[2010]* **10** and this regulation)—factors to be considered in making this determination include, but are not limited to: an organization or location that shares an organizational structure with *[an abortion facility]* **any clinic, physician’s office, or any other place or facility in which abortions are performed or induced** including, but not limited to, parent, subsidiary, or sister organizations; or an organization or location with common or interlocking management, ownership, or governance with *[an abortion facility]* **any clinic, physician’s office, or any other place or facility in which abortions are performed or induced**; or an organization or location with the public appearance of association with *[an abortion facility]* **any clinic, physician’s office, or any other place or facility in which abortions are performed or induced**, such as a shared name, or part of a name; an alliance or federation with an organization or location that is commonly identified as an advocate for abortion; or that holds itself out, has held itself out, or refers to itself publicly in a way that demonstrates a connection to an organization or location that is commonly identified as *[an abortion facility]* **any clinic, physician’s office, or any other place or facility in which abortions are performed or induced**.

(C) Counsels women to have an abortion (as used in section 10.1005 of HB *[2010]* **10**)—in the absence of an exception required by federal law, includes, but is not limited to, encouraging a patient to have an abortion, referring a patient for an abortion, or providing a patient with information encouraging her to have an abortion.

(D) Program (as used in section 10.1005 of HB *[2010]* **10**)—a project, service, or activity administered by the department.

(E) Referring a patient for an abortion (as used in section 170.015, RSMo, for purposes of section *[10.720]* **10.725** of HB *[2010]* **10**)—does not include providing comprehensive, factual information regarding options, so long as the information is provided for all of the options and in a neutral manner. Also does not include providing contact information, so long as the contact information is provided for all of the options and in a neutral manner. Other actions, such as assisting with making an appointment or assisting with transportation, constitute referring a patient for an abortion.

(2) The department shall not expend any funds to any **clinic, physician’s office, or any other place or facility in which abortions are performed or induced other than a hospital, including an abortion facility** as defined in section 188.015, RSMo, or any affiliate or associate *[thereof]* **of any such clinic, physician’s office, or place or facility in which abortions are performed or induced other than a hospital**, as determined by the department in accordance with this regulation.

(3) The department shall not expend any funds on any program that, in the absence of an exception required by federal law, performs abortions or counsels women to have an abortion.

(4) *[Prior to receiving payment from the department for providing services pursuant to section 10.720 of HB 2010,]* **After July 1, 2019, no claims for payment shall be submitted by a provider until the provider [shall complete and] submits the form [included herein] provided by the department** declaring that the provider will not submit claims for payment that violate HB *[2010]* **10. A copy of the form can be requested by contacting the department.**

*AUTHORITY: section 192.006, RSMo 2016,\* and House Bill 10, [99<sup>th</sup>]100<sup>th</sup> General Assembly, [Second] First Regular Session. Emergency rule filed July 5, 2018, effective July 15, 2018, expired Feb. 28, 2019. Original rule filed July 5, 2018, effective Feb. 28, 2019. Emergency amendment filed June 21, 2019, effective July 1, 2019, expires Feb 27, 2020. Amended: Filed June 21, 2019.*

*\*Original authority: 192.006, RSMo 1993, amended 1995.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Adam Crumbliss, Director, Department of Health and Senior Services, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*