



GOVERNOR OF MISSOURI

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TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313 entitled:

AN ACT

To repeal sections 188.027 and 188.039, and to enact in lieu thereof two new sections relating to the required waiting period before having an abortion.

I disapprove of Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313. My reasons for disapproval are as follows:

Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313 is a disrespectful measure that would unnecessarily prolong the suffering of rape and incest victims and jeopardize the health and wellbeing of women.

Missouri law currently mandates, and has had in effect since 2006, a waiting period of "at least 24 hours" for a woman seeking an abortion. This required waiting period includes in-person counseling by the physician or a qualified professional as a prerequisite to obtaining informed consent given freely and voluntarily by the woman. These mandates under current law are comprehensive and require that the physician or qualified professional, at least 24 hours in advance of the procedure, provide the woman, in person, both orally and in writing: the name of the physician; "medically accurate information," including a description of the method, and purported risks to the woman; alternatives to the procedure; the location of a hospital within thirty miles where the woman may receive follow-up care; gestational age; anatomical and physiological characteristics; and a statement that the physician is available for questions, along with the phone number of the physician. Current law further requires, at least 24 hours in advance of the procedure, that the physician or qualified professional provide the woman, in person and in print: materials describing, and color photographs depicting, anatomical and physiological characteristics in two-week increments; printed materials describing methods of termination; printed materials regarding the possibility of pain after a certain gestational age; names of agencies providing alternative services, including a statement that there are "public and

private agencies willing and able to help you carry your child to term, and to assist you and your child after your child is born . . . ;” and the legal obligations of the father, including paternity laws and child support. Furthermore, the physician or qualified professional must discuss with the woman, 24 hours in advance, indicators, contraindicators, and physical, psychological or situational risk factors. The woman must also be given the opportunity to view an ultrasound. Finally, at least 24 hours in advance, the woman must be given printed materials in person prominently displaying the statement that, “[t]he life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being.”

Despite the existence of this extensive 24-hour mandate, Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313 would triple the current mandatory waiting period to at least 72 hours, giving Missouri the longest mandatory delay in the country, along with Utah and South Dakota. In addition, because the bill makes no exception for rape and incest, Missouri and South Dakota would be the only states in the country with a mandatory waiting period of at least 72 hours but without exceptions for rape and incest if the bill became law.

There are several specific reasons why this bill, which contains no exceptions for rape and incest while tripling the length of the waiting period already required under Missouri law, does not meet with my approval.

I cannot condone the absence of an exception for rape and incest in Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313. This glaring omission is wholly insensitive to women who find themselves in horrific circumstances, and demonstrates a callous disregard for their wellbeing. It victimizes these women by prolonging their grief and their nightmare. Consider, for example, a rape victim who is a 32-year-old, happily married mother of two children. Every minute, and every hour, she is reminded of the horrific circumstance in which she finds herself, through no fault of her own. For her, mandating a longer delay is punitive, not contemplative. Rape is a crime that knows no boundaries, and awful though it is to consider, could happen to the woman who sings in the church choir, or the woman who teaches your children, or even your wife. No woman should be further victimized by a government that forces her to endure even longer the horror that is the crime of rape.

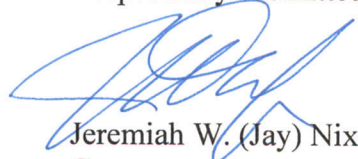
Likewise, there is no sound rationale for prolonging the agony of an incest victim by extending the mandatory delay. An incest survivor molested by an abusive uncle, for example, finds herself in a circumstance too awful for most of us to even contemplate. Yet, under Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313, government would mandate that she, too, endure more suffering, even after she has undergone the extensive counseling and consent process that already exists under Missouri law. Underlying this bill, and the expansion of the governmental interference it would mandate, is a paternalistic presumption that rape and incest victims are somehow unable to grasp the horror that has befallen them, and that government must force them to take more time to come to grips with their plight. That misplaced paternalism defies logic. It is patently unreasonable to presuppose that rape and incest victims would need to take more time to think about the reality, and the horror, of their heartbreaking situation.

Furthermore, even if Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313 contained exceptions for rape and incest, it would still not meet with my approval. As detailed above, Missouri law already mandates a waiting period of “at least 24 hours” that includes extensive counseling and requires that consent be informed, voluntary and given freely without coercion. Lengthening the mandate to “at least” 72 hours serves no demonstrable purpose other than to create emotional and financial hardships for women who have undoubtedly already spent considerable time wrestling with perhaps the most difficult decision they may ever have to make. Moreover, as with rape and incest victims, expanding the mandatory waiting period presupposes that women are unable to make up their own minds without further government intervention. This is insulting to women, particularly in light of what the law already requires.

Finally, Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313 is harmful to a woman’s health. A mandate that moves the procedure to a time later in a pregnancy increases the risk of complications. Lengthening the mandated delay is in contravention of sound medical advice and forces government even further into the relationship between the physician and the woman. A woman’s health could be unnecessarily jeopardized by extending the mandatory delay.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1307 & 1313 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor