

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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Administrative Rules Stamp

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JUL 26 2019

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 13 CSR 10-4.010

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

COPY

Name of person to call with questions about this rule:

Content Sharie Hahn Phone (573) 526-8368 FAX (573) 522-6092

Email address Sharie.L.Hahn@dss.mo.gov

Data Entry Aaron Mealy Phone (573) 526-0414 FAX (573) 522-6092

Email address Aaron.Mealy@dss.mo.gov

Interagency mailing address DLS, Broadway Bldg, 221 W High Street, Room 230

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination

Effective Date for the Emergency _____

Proposed Rulemaking __ Rule X Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

JUL 26 2019

ADMINISTRATIVE RULES

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

July 23, 2019

Mark Gutchen
General Counsel
Missouri Department of Social Services
Broadway State Office Building
Jefferson City, MO 65102

Dear Mark:

This office has received your Proposed Rulemaking for the following regulation:

- 13 CSR 10-4.010 Prohibition Against Expenditure of Appropriated Funds for Abortion Facilities

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission of this rule to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Limbaugh".

Christopher K. Limbaugh
General Counsel

 *Missouri Department of*
SOCIAL SERVICES
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MICHAEL L. PARSON, GOVERNOR • JENNIFER TIDBALL, ACTING DIRECTOR

MARK A. GUTCHEN, DIRECTOR
DIVISION OF LEGAL SERVICES
P.O. BOX 1527 • BROADWAY STATE OFFICE BUILDING • JEFFERSON CITY, MO 65102-1527
WWW.DSS.MO.GOV • 573-751-3229 • 573-522-6092 FAX

July 26, 2019

Waylene W. Hiles, Director
Joint Committee on Administrative Rules
Capitol Building, Room B-8
Jefferson City, MO 65101

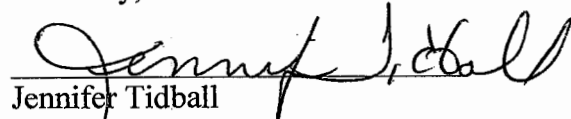
Dear Ms. Hiles:

RE: 13 CSR 10-4.010 Prohibition Against Expenditure of Appropriated Funds for Abortion facilities

Attached is an accurate and complete copy of the proposed order regarding the amendment of 13 CSR 10-4.010. This proposed order will be filed concurrently with the Secretary of State.

Statutory authority: sections 11.715 and 11.800 of House Bill 2011, 99th General Assembly, First Regular Session, and sections 208.153, 208.201, and 660.017, RSMo.

Sincerely,


Jennifer Tidball
Acting Director
Department of Social Services

Attachment

AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES

TDD / TTY: 800-735-2966

RELAY MISSOURI: 711

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July 26, 2019

John R. Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

RE: 13 CSR 10-4.010 Prohibition Against Expenditure of Appropriated Funds for Abortion facilities

Dear Secretary of State Ashcroft:

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Division of Financial and Administrative Services, Department of Social Services.

The Division of Financial and Administrative Services, Department of Social Services further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section § 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.

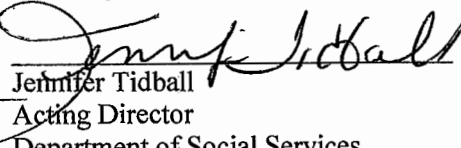
The Division of Financial and Administrative Services, Department of Social Services has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: sections 11.715 and 11.800 of House Bill 2011, 99th General Assembly, First Regular Session, and sections 208.153, 208.201, and 660.017, RSMo.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Sharie Hahn
221 West High Street, Room 230
Jefferson City, MO 65102
Sharie.L.Hahn@dss.mo.gov

Sincerely,


Jennifer Tidball
Acting Director
Department of Social Services

Enclosures

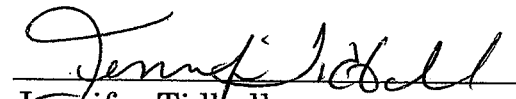
AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES
TDD / TTY: 800-735-2966
RELAY MISSOURI: 711

AFFIDAVIT

PUBLIC COST

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

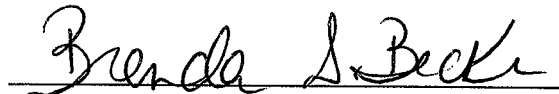
I, Jennifer Tidball, Acting Director of the Department of Social Services, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed amendment, 13 CSR 10-4.010, is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.


Jennifer Tidball
Acting Director
Department of Social Services

Subscribed and sworn to before me this 26th day of July, 2019. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 03-15-2020.



BRENDA S. BECKER
My Commission Expires
March 15, 2020
Osage County
Commission #12552112


Notary Public

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JUL 26 2019

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 10—Division of Finance and Administrative Services
Chapter 4—Abortions**

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

13 CSR 10-4.010 Prohibition Against Expenditure of Appropriated Funds for Abortion Facilities. The department is amending subsection (1)(B).

PURPOSE: This amendment supplements the requirements of HB 11, passed by the 100th General Assembly, effective for State Fiscal Year 2020 concerning funding or appropriated funds from the General Assembly.

(1) Definitions.

(B) "Abortion facility" [*shall be defined pursuant to section 188.015(2), RSMo*] **means any clinic, physician's office, or any other place or facility in which abortions are performed or induced other than a hospital, or any affiliate or associate of any such clinic, physician's office, or place or facility in which abortions are performed or induced other than a hospital.**

*AUTHORITY: section 11.930, HB 11, First Regular Session, One hundredth General Assembly, 2019, and sections 208.153, 208.201, and 660.017, RSMo. * 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 20, 2019, effective July 1, 2019, expires December 26, 2019. Amended: Filed July 26, 2019.*

**Original authority: 11.715, HB 2011, First Regular Session, Ninety-ninth General Assembly, 2018; 11.800, HB 2011, First Regular Session, Ninety-ninth General Assembly, 2018; 208.153, RSMo 1967, amended 1967, 1973, 1989, 1990, 1991, 2007, 2012; 208.201, RSMo 1987, amended 2007; and 660.017, RSMo 1993, amended 1995.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. 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.*

JOINT COMMITTEE ON

JUL 26 2019

ADMINISTRATIVE RULES