

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

COMPREHENSIVE HEALTH OF PLANNED PARENTHOOD GREAT PLAINS, et al.,

Case No. 2416-CV31931
Division 3

ORDER

NOW on this day, the Court takes up Plaintiffs’ Motion for Reconsideration filed on December 30, 2024; Plaintiffs’ Motion to Strike or, In the Alternative, for Leave to File a Response, filed on February 10, 2025; and State Defendants’ Motion to Strike, filed on February 13, 2025.

The Court held a hearing on Plaintiffs’ Motion for Reconsideration on January 31, 2025. Plaintiffs Comprehensive Health of Planned Parenthood Great Plains and Planned Parenthood Great Rivers-Missouri appeared by Eleanor Spottswood, Esq. and Gillian Wilcox, Esq. Defendants State of Missouri, Michael Parson,¹ Andrew Bailey, Department of Health and Senior Services, Paula Nickelson, Missouri Division of Professional Registration - Healing Arts, Jade James-Halbert, Dorothy Munch, Jeffrey Carter, Ian Fawks, Naveed Razzaque, Mark Taormina, Christopher Wilhelm, Missouri Division of Professional Registration – Board of Nursing, Julie Miller, Trevor Wolfe, Margaret Bultas, Bonny Kehm, Courtney Owens and Denise Williams (hereinafter “State Defendants”) appeared by Joshua Divine, Esq. and Michael Patton, Esq. Defendant Melesa Johnson appeared by D. Ryan Taylor, Esq. After reviewing the Court’s file and

¹ Mike Kehoe was sworn in as the Missouri Governor on January 13, 2025. To date, there has been no request to substitute him for the previous Missouri Governor, Michael Parson.

hearing argument of counsel and being apprised on the relevant law, the Court finds that Plaintiffs' Motion should be and is hereby, GRANTED.

This Court entered an Order on December 20, 2024 that preliminarily enjoined a number of Missouri statutes and regulations but specifically did not enjoin the abortion facility licensing requirements under the analysis required by Missouri Constitution Article I, Section 36.3. The present motion asks the Court to reconsider and address the abortion facility licensing requirements under the Missouri Constitution Article I, Section 36.6. The Court's order for preliminary injunction is an interlocutory order which is temporary in nature. "An interlocutory order is always under the control of the court making it." *Woods v. Juvenile Shoe Corp. of America*, 361 S.W.2d 694, 695 (Mo. 1962). "At any time before final judgment a court may open, amend, reverse or vacate an interlocutory order...." *Id.*

The Missouri Constitution Article I, Section 36.6 states, "[t]he Government shall not discriminate against persons providing or obtaining reproductive health care or assisting another person in doing so." Mo. Cont. Art. I, §36.6. Sections 197.200 to 197.235 and 334.100.2(27), 19 CSR 30-30.050-.070, and 20 CSR § 2150-7.140(2)(V) contain a number of requirements specifically directed at abortion facilities and ambulatory surgical centers, as those terms are defined by § 197.200.² This set of statutes and regulations apply only to abortion facilities and not to any other similarly situated health care facility. The regulations mandate physicians to perform certain exams and testing that are unnecessary when the physicians themselves are authorized and enabled to make the determination on what is and is not necessary for their individual patients. Additionally, miscarriage management can be provided on an outpatient basis without a special facility license. The stipulated affidavits show that miscarriage management and abortion

² Unless otherwise indicated, statutory citations refer to the 2016 edition of the Revised Statutes of Missouri, updated through the 2023 Cumulative Supplement.

medication/procedures often mirror each other. Based on the foregoing, the Court finds the facility licensing requirement is facially discriminatory because it does not treat services provided in abortion facilities the same as other types of similarly situated health care, including miscarriage care. The Court finds Plaintiffs have demonstrated a likelihood of success on the merits on this point and have met the other requirements for entry of a preliminary injunction provided in *State ex rel. Dir. Of Revenue, State of Mo. v. Gabbert* for the licensing requirement to be enjoined. 925 S.W.2d 838, 839 (Mo. banc 1996). It is therefore,

ORDERED, ADJUDGED, AND DECREED that the Motion for Reconsideration is GRANTED and Sections 197.200 to 197.235 and 334.100.2(27), 19 CSR 30-30.050-.070, and 20 CSR § 2150-7.140(2)(V) are enjoined.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion to Strike, or In the Alternative, for Leave to File a Response filed on February 10, 2025 is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that State Defendants' Motion to Strike filed on February 13, 2025 is DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all other relief not specifically granted herein is hereby DENIED.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Order does not modify any other aspect of the Order Granting in Part and Denying in Part Plaintiffs' Motion for Preliminary Injunction, entered on December 20, 2024, and the remaining portions of that Order remain in full force and effect.

IT IS SO ORDERED.

February 14, 2025
Date


HON. TERRI J. ZHANG
Judge, Division 3

CC: All counsel via e-Notification