

SECOND REGULAR SESSION

# HOUSE BILL NO. 2200

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MOON.

4653H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to human sexuality instruction in public schools, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 170.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.015, to read as follows:

170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 (4) Include a discussion of the possible emotional and psychological consequences of  
19 preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as  
20 well as the advantages of adoption, including the adoption of special needs children, and the  
21 processes involved in making an adoption plan;

22 (5) Teach skills of conflict management, personal responsibility and positive self-esteem  
23 through discussion and role-playing at appropriate grade levels to emphasize that the pupil has  
24 the power to control personal behavior. Pupils shall be encouraged to base their actions on  
25 reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such  
26 as respect for one's self and others. Pupils shall be taught not to make unwanted physical and  
27 verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist  
28 unwanted sexual advances and other negative peer pressure;

29 (6) Advise pupils of the laws pertaining to their financial responsibility to children born  
30 in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory  
31 rape;

32 (7) Teach pupils about the dangers of sexual predators, including online predators when  
33 using electronic communication methods such as the internet, cell phones, text messages, chat  
34 rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly  
35 and remain safe on the internet and the importance of having open communication with  
36 responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible  
37 adult, and depending on intent and content, to local law enforcement, the Federal Bureau of  
38 Investigation, or the National Center for Missing & Exploited Children's CyberTipline;

39 (8) Teach pupils about the consequences, both personal and legal, of inappropriate text  
40 messaging, even among friends; and

41 (9) Teach pupils about sexual harassment, sexual violence, and consent:

42 (a) For the purposes of this subdivision, the term "consent" shall mean a freely given  
43 agreement to the conduct at issue by a competent person. An expression of lack of consent  
44 through words or conduct means there is no consent. Lack of verbal or physical resistance or  
45 submission resulting from the use of force, threat of force, or placing another person in fear does  
46 not constitute consent. A current or previous dating or social or sexual relationship by itself or  
47 the manner of dress of the person involved with the accused in the conduct at issue shall not  
48 constitute consent;

49 (b) For the purposes of this subdivision, the term "sexual harassment" shall mean  
50 uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person  
51 in authority toward a subordinate;

52 (c) For the purposes of this subdivision, the term "sexual violence" shall mean causing  
53 or attempting to cause another to engage involuntarily in any sexual act by force, threat of force,  
54 duress, or without that person's consent.

55 2. Policies concerning referrals and parental notification regarding contraception shall  
56 be determined by local school boards or charter schools, consistent with the provisions of section  
57 167.611.

58 3. A school district or charter school which provides human sexuality instruction may  
59 separate students according to gender for instructional purposes.

60 4. The board of a school district or charter school shall determine the specific content  
61 of the district's or school's instruction in human sexuality, in accordance with subsections 1 to  
62 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age  
63 of the students receiving such instruction.

64 5. **Before providing any course materials and instruction relating to human**  
65 **sexuality and sexually transmitted diseases to any student, regardless of the course title or**  
66 **description,** a school district or charter school shall notify the parent or legal guardian of each  
67 student enrolled in the district or school of:

68 ~~——(1) the basic content of the district's or school's human sexuality **and sexually**~~  
69 ~~**transmitted diseases course materials and** instruction to be provided to the student~~]; and~~~~

70 ~~——(2) The parent's right to remove] .~~ **After receipt of such basic content, the parent or**  
71 **legal guardian of each student shall indicate in writing whether the parent or legal**  
72 **guardian desires to allow the district or school to include the student [from] in any part of the**  
73 **district's or school's human sexuality and sexually transmitted diseases course materials and**  
74 **instruction. No school shall provide any course materials and instruction relating to human**  
75 **sexuality and sexually transmitted diseases to a student until the district or school has**  
76 **received such written indication from the student's parent or legal guardian that the**  
77 **student may receive such course materials and instruction.**

78 6. A school district or charter school shall make all curriculum materials used in the  
79 district's or school's human sexuality instruction available for public inspection pursuant to  
80 chapter 610 prior to the use of such materials in actual instruction.

81 7. No school district or charter school, or its personnel or agents, shall provide abortion  
82 services, or permit a person or entity to offer, sponsor, or furnish in any manner any course  
83 materials or instruction relating to human sexuality or sexually transmitted diseases to its  
84 students if such person or entity is a provider of abortion services, **directly or indirectly.**

85 8. As used in this section, the following terms mean:

86 (1) "Abortion", the same meaning as such term is defined in section 188.015;

87 (2) "Abortion services":

88 (a) Performing, inducing, or assisting in the performance or inducing of an abortion  
89 which is not necessary to save the life of the mother;

90 (b) Encouraging a patient to have an abortion or referring a patient for an abortion[;  
91 ~~which] **that** is not necessary to save the life of the mother; or~~

92 (c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce  
93 an abortion which is not necessary to save the life of the mother.

94 **9. (1) Violation of this section is a class C misdemeanor.**

95 **(2) In any legal proceeding related to a violation of this section, no entity directly**  
96 **or indirectly receiving any taxpayer funds shall provide any legal advice, counsel, or**  
97 **representation to any person or entity that violates this section.**

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