

SENATE BILL NO. 22

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ONDER.

5961S.02I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapters 160, 161, 167, and 191, RSMo, by adding thereto four new sections relating to the protection of children, with penalty provisions.

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

Section A. Chapters 160, 161, 167, and 191, RSMo, are
2 amended by adding thereto four new sections, to be known as
3 sections 160.2550, 161.841, 167.780, and 191.1720, to read as
4 follows:

160.2550. 1. For the purposes of the provisions of
2 this section, "divisive concepts" shall mean concepts that:

3 (1) One race or sex is inherently superior to another
4 race or sex;

5 (2) The United States is fundamentally racist or
6 sexist;

7 (3) An individual, by virtue of his or her race or
8 sex, is inherently racist, sexist, or oppressive, whether
9 consciously or unconsciously;

10 (4) An individual should be discriminated against or
11 receive adverse treatment solely or partly because of his or
12 her race or sex;

13 (5) Members of one race or sex cannot avoid treating
14 others differently with respect to race or sex;

15 (6) An individual's moral character is necessarily
16 determined by his or her race or sex;

17 (7) An individual, by virtue of his or her race or
18 sex, bears responsibility for actions committed in the past
19 by other members of the same race or sex;

20 (8) Any individual should feel discomfort, guilt,
21 anguish, or any other form of psychological distress on
22 account of his or her race or sex;

23 (9) Meritocracy or traits such as a hard work ethic
24 are racist or sexist, or were created by a particular race
25 to oppress another race;

26 (10) Promote any form of race or sex stereotyping,
27 including ascribing character traits, values, moral and
28 ethical codes, privileges, status, or beliefs to a race,
29 sex, or an individual because of his or her race or sex; or

30 (11) Promote any form of race or sex scapegoating,
31 including assigning fault, blame, or conscious or
32 unconscious bias to one or more members of a race or sex and
33 including claims that, consciously or unconsciously, any
34 person is inherently racist, sexist, or inclined to oppress
35 others by virtue of their race or sex.

36 2. It shall be the policy of the state board of
37 education not to promote or allow divisive concepts in
38 public school curricula or instruction.

161.841. 1. This section shall be known and may be
2 cited as the "Parents' Bill of Rights".

3 2. As used in this section, the term "parent" means a
4 child's biological or adoptive parent, guardian, or other
5 person having control or custody of the child.

6 3. Parents of a child attending the public schools of
7 this state have the right to participate in and direct the
8 education of their child and to know what is being taught in
9 their child's school.

10 4. This section shall be construed to protect and
11 promote the rights of parents to participate in and direct
12 the education of their child who attends a public school.
13 Such parents' rights shall include, but are not limited to,
14 the following:

15 (1) The right to be notified if any school employee or
16 official suspects that a criminal offense has been committed
17 against the parents' child, in a timely manner of all
18 reported incidents pertaining to student safety including,
19 but not limited to, any felony or misdemeanor committed by a
20 teacher or other school employee;

21 (a) No employee of any public school or school
22 district shall encourage, coerce, or attempt to coerce a
23 minor child to withhold information from such minor child's
24 parents; provided, however, that any such person required to
25 report suspected abuse or neglect may encourage a minor
26 child to withhold information where disclosure could
27 reasonably result in abuse or neglect;

28 (b) No employee required to report suspected abuse or
29 neglect shall be required to notify the parents of such
30 suspected abuse or neglect of the parent's child if the
31 parent is the alleged perpetrator;

32 (2) The right to be involved in their child's
33 education and to be notified of these rights and of any
34 information that affects the well-being of their child;

35 (3) The right to access and view school curricula,
36 guest lecturer materials, and staff training manuals in a
37 timely manner and in easily accessible formats;

38 (4) The right to access school district and school
39 building performance information in a timely manner and in
40 an easily understood and fully accessible format;

41 (5) The right to transparent access to school and
42 school district financial information in an easily
43 understood and fully accessible format;

44 (6) The right to choose existing educational choice
45 options provided by law that best suit the learning needs of
46 their child, but which shall not be construed to include
47 educational choice options for any school district or local
48 educational agency that is not specifically authorized by
49 statute for such student, school district, or local
50 educational agency;

51 (7) The right to request to opt their child out of the
52 classroom for any presentation of content listed in the
53 syllabus with which the parents disagree;

54 (8) The right to control their child's likeness in
55 district materials, subject to exceptions such as court
56 orders; and

57 (9) The right to control their child's health and
58 identifying markers including, but not limited to, the right
59 to opt out of health measures not required by state order or
60 statute.

61 5. The public schools of this state shall take all
62 actions necessary to promote, preserve, and protect the
63 rights described in this section including, but not limited
64 to, the following actions:

65 (1) Making available all curricula such as the title
66 of each textbook, course outlines, and reading lists to the
67 public at least thirty days before the beginning of a
68 semester in which the material will be taught;

69 (2) Making available school building level and
70 district academic performance information including, but not
71 limited to:

72 (a) Any financial and academic data submitted to the
73 state department of elementary and secondary education;

74 (b) The percentage of all students scoring at the
75 proficient level or higher on all assessments administered
76 under the Missouri assessment program or any subsequent
77 equivalent assessment adopted; and

78 (c) The percentage of students in each reportable
79 subgroup including, but not limited to, race, ethnicity,
80 economically disadvantaged, students with disabilities, and
81 English language learners scoring at the proficient level or
82 higher on all assessments administered under the Missouri
83 assessment program or any subsequent equivalent assessment
84 adopted; and

85 (3) Making available all financial data available in a
86 searchable and easily understood format including, but not
87 limited to:

88 (a) Financial reports and audits including, but not
89 limited to, any reports submitted to the state;

90 (b) Payment data showing all payments made by the
91 school or school district; and

92 (c) Information about the tax rates and revenues
93 associated with the school or school district.

94 6. No school or school employee shall compel a teacher
95 or student to adopt, affirm, adhere to, or profess ideas in
96 violation of Title IV or Title VI of the federal Civil
97 Rights Act of 1964, as amended, including, but not limited
98 to, the following:

99 (1) That individuals of any race, ethnicity, color, or
100 national origin are inherently superior or inferior;

101 (2) That individuals should be adversely or
102 advantageously treated on the basis of individual race,
103 ethnicity, color, or national origin;

104 (3) That individuals, by virtue of their race,
105 ethnicity, color, or national origin, bear collective guilt
106 and are inherently responsible for actions committed in the
107 past by other members of the same race, ethnicity, color, or
108 national origin;

109 (4) This subsection shall not be construed to prohibit
110 teachers or students from discussing public policy issues or
111 ideas that individuals may find unwelcome, disagreeable, or
112 offensive; or

113 (5) This subsection shall not be construed to prohibit
114 a school employee from discussing the ideas and history of
115 the ideas listed in this subsection.

116 7. Any material required to be available to parents
117 under this section shall be made available in a searchable
118 electronic format at all times. Such material shall be
119 placed on the department of elementary and secondary
120 education website or on such electronic platform as may be
121 provided by the department.

167.780. 1. This act shall be known and may be cited
2 as the "Save Women's Sports Act".

3 2. No athletic team or sport designated for biological
4 females shall be open to students that are biological males.

5 3. No governmental entity, licensing or accrediting
6 organization, or athletic association or organization shall
7 entertain a complaint, open an investigation, or take any
8 other adverse action against a school or institution for
9 maintaining separate interscholastic or intramural athletic
10 teams or sports for students that are biological females.

11 4. No public school or a private middle school or high
12 school, or a public or private institution of postsecondary
13 education, that has biological males playing biological

14 females' sports shall be eligible for any moneys
15 appropriated by the general assembly.

16 5. For the purposes of this section, the following
17 terms shall mean:

18 (1) "Biological females", persons with the biological
19 indicators of a female in the context of reproductive
20 potential or capacity, such as the absence of a Y
21 chromosome, naturally occurring sex hormones, gonads, and
22 nonambiguous internal and external genitalia present at
23 birth, without regard to an individual's psychological,
24 chosen, or subjective experience of gender;

25 (2) "Biological males", persons with the biological
26 indicators of a male in the context of reproductive
27 potential or capacity, such as the presence of a Y
28 chromosome, naturally occurring sex hormones, gonads, and
29 nonambiguous external genitalia present at birth, without
30 regard to an individual's psychological, chosen, or
31 subjective experience of gender.

191.1720. 1. This section shall be known and may be
2 cited as the "Missouri Save Adolescents from Experimentation
3 (SAFE) Act".

4 2. For purposes of this section, the following terms
5 mean:

6 (1) "Biological sex", the biological indication of
7 male or female in the context of reproductive potential or
8 capacity, such as sex chromosomes, naturally occurring sex
9 hormones, gonads, and nonambiguous internal and external
10 genitalia present at birth, without regard to an
11 individual's psychological, chosen, or subjective experience
12 of gender;

13 (2) "Cross-sex hormones":

14 (a) Testosterone or other androgens given to
15 biological sex females in amounts that are larger or more
16 potent than would normally occur naturally in healthy
17 biological sex females; and

18 (b) Estrogen given to biological sex males in amounts
19 that are larger or more potent than would normally occur
20 naturally in healthy biological sex males;

21 (3) "Gender", the psychological, behavioral, social,
22 and cultural aspects of being male or female;

23 (4) "Gender reassignment surgery", any medical or
24 surgical service that seeks to surgically alter or remove
25 healthy physical or anatomical characteristics or features
26 that are typical for the individual's biological sex in
27 order to instill or create physiological or anatomical
28 characteristics that resemble a sex different from the
29 individual's biological sex, including, but not limited to,
30 genital or nongenital gender reassignment surgery performed
31 for the purpose of assisting an individual with a gender
32 transition;

33 (5) "Gender transition", the process in which an
34 individual transitions from identifying with and living as a
35 gender that corresponds to his or her biological sex to
36 identifying and living as a gender different from his or her
37 biological sex, and may involve social, legal, or physical
38 changes;

39 (6) "Gender transition procedures":

40 (a) Any medical or surgical service, including, but
41 not limited to, physician's services, inpatient and
42 outpatient hospital services, or prescribed drugs, related
43 to gender transition that seeks to:

- 44 a. Alter or remove physical or anatomical
45 characteristics or features that are typical for the
46 individual's biological sex; or
- 47 b. Instill or create physiological or anatomical
48 characteristics that resemble a sex different from the
49 individual's biological sex, including, but not limited to:
- 50 (i) Medical services that provide puberty-blocking
51 drugs, cross-sex hormones, or other mechanisms to promote
52 the development of feminizing or masculinizing features in
53 the opposite biological sex; or
- 54 (ii) Genital or nongenital gender reassignment surgery
55 performed for the purpose of assisting an individual with a
56 gender transition;
- 57 (b) The term "gender transition procedures" shall not
58 include:
- 59 a. Services to individuals born with a medically-
60 verifiable disorder of sex development, including, but not
61 limited to, an individual with external biological sex
62 characteristics that are irresolvably ambiguous, such as
63 those born with forty-six XX chromosomes with virilization,
64 forty-six XY chromosomes with undervirilization, or having
65 both ovarian and testicular tissue;
- 66 b. Services provided when a physician has otherwise
67 diagnosed an individual with a disorder of sexual
68 development and determined through genetic or biochemical
69 testing that the individual does not have normal sex
70 chromosome structure, sex steroid hormone production, or sex
71 steroid hormone action;
- 72 c. The treatment of any infection, injury, disease, or
73 disorder that has been caused by or exacerbated by the
74 performance of gender transition procedures regardless of

75 whether the gender transition procedure was performed in
76 accordance with state and federal law; or

77 d. Any procedure undertaken because the individual
78 suffers from a physical disorder, physical injury, or
79 physical illness that would, as certified by a physician,
80 place the individual in imminent danger of death or
81 impairment of a major bodily function unless surgery is
82 performed;

83 (7) "Genital gender reassignment surgery", a medical
84 procedure performed for the purpose of assisting an
85 individual with a gender transition, including, but not
86 limited to:

87 (a) Surgical procedures such as penectomy,
88 orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for
89 biologically male patients or hysterectomy or ovariectomy
90 for biologically female patients;

91 (b) Reconstruction of the fixed part of the urethra
92 with or without a metoidioplasty; or

93 (c) Phalloplasty, vaginectomy, scrotoplasty, or
94 implantation of erection or testicular prostheses for
95 biologically female patients;

96 (8) "Health care provider", an individual who is
97 licensed, certified, or otherwise authorized by the laws of
98 this state to administer health care in the ordinary course
99 of the practice of his or her profession;

100 (9) "Nongenital gender reassignment surgery", medical
101 procedures performed for the purpose of assisting an
102 individual with a gender transition, including, but not
103 limited to:

104 (a) Surgical procedures for biologically male
105 patients, such as augmentation mammoplasty, facial
106 feminization surgery, liposuction, lipofilling, voice

107 surgery, thyroid cartilage reduction, gluteal augmentation,
108 hair reconstruction, or various aesthetic procedures; or

109 (b) Surgical procedures for biologically female
110 patients, such as subcutaneous mastectomy, voice surgery,
111 liposuction, lipofilling, pectoral implants, or various
112 aesthetic procedures;

113 (10) "Physician", an individual who is licensed under
114 chapter 334;

115 (11) "Puberty-blocking drugs", gonadotropin-releasing
116 hormone analogues or other synthetic drugs used in
117 biological sex males to stop luteinizing hormone secretion
118 and therefore testosterone secretion, or synthetic drugs
119 used in biological sex females that stop the production of
120 estrogens and progesterone, when used to delay or suppress
121 pubertal development in children for the purpose of
122 assisting an individual with a gender transition.

123 3. A physician or other health care provider shall not
124 provide gender transition procedures to any individual under
125 eighteen years of age and shall not refer any individual
126 under eighteen years of age to any health care provider for
127 gender transition procedures.

128 4. Any referral for or provision of gender transition
129 procedures to an individual under eighteen years of age
130 shall be considered unprofessional conduct and any health
131 care provider doing so may be subject to discipline by the
132 appropriate licensing entity or disciplinary review board
133 with competent jurisdiction in this state.

134 5. The provision of gender transition procedures to an
135 individual under eighteen years of age in violation of the
136 provisions of this section shall be considered grounds for a
137 cause of action against the health care provider for
138 personal injury or death under chapter 538 and such cause of

139 action shall be governed by the provisions of such chapter.
140 An individual under eighteen years of age upon whom gender
141 transition procedures were performed in violation of this
142 section may bring the cause of action either through a next
143 friend or his or her own name, subject to the provisions of
144 section 516.105.

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