

SENATE BILL NO. 868

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

2908S.04I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 170, RSMo, by adding thereto one new section relating to the sole purpose of discussion of certain topics by school personnel.

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

Section A. Chapter 170, RSMo, is amended by adding thereto
2 one new section, to be known as section 170.385, to read as
3 follows:

170.385. 1. This section shall be known and may be
2 cited as the "Vulnerable Child Compassion and Protection
3 Act".

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

6 (1) "Biological sex", an individual's sex as assigned
7 at birth on his or her original birth certificate as
8 described in subsection 12 of this section, or, if the
9 individual's birth certificate is unobtainable, another
10 government record;

11 (2) "Gender identity", the preconceived notion of
12 someone's psychological, behavioral, social, and cultural
13 aspects of being a biological male or biological female.
14 For the purposes of this section, a biological male shall be
15 someone with the biological indicators of a male in the
16 context of reproductive potential or capacity, such as the
17 presence of a Y chromosome, naturally occurring sex
18 hormones, gonads, and nonambiguous external genitalia

19 present at birth. A biological female shall be someone with
20 the biological indicators of a female in the context of
21 reproductive potential or capacity, such as the absence of a
22 Y chromosome, naturally occurring sex hormones, gonads, and
23 nonambiguous internal and external genitalia present at
24 birth;

25 (3) "Parent", a parent or legal guardian of a
26 student. "Parents" means all of a student's parents or
27 legal guardians;

28 (4) "School", any public elementary or secondary
29 school or public charter school;

30 (5) "School official", any employee at a school,
31 including nurses, counselors, teachers, principals, and
32 other contracted personnel;

33 (6) "Sexual relationship", an individual's actual or
34 perceived emotional or physical attraction to, or romantic
35 or physical relationships with, members of the same
36 biological sex, members of a different biological sex, or
37 members of any biological sex; or the lack of any emotional
38 or physical attraction to, or romantic or physical
39 relationships with, anyone;

40 (7) "Student", any person who attends a public
41 elementary or secondary school or public charter school, is
42 under the age of eighteen, and is not an emancipated minor,
43 as such term defined in section 302.178.

44 3. (1) No school official shall encourage a student
45 to adopt a gender identity or sexual relationship.

46 (2) This subsection shall not apply to course
47 components of a school's curriculum that have artistic or
48 anthropological significance or to materials used in science
49 courses, including but not limited to, materials used in
50 biology, anatomy, physiology, and sexual education classes.

51 4. If a student approaches a school official to
52 express discomfort or confusion about such student's
53 biological sex, the school official shall notify such
54 student's parents of the discussion within forty-eight hours.

55 5. No school official shall use a name to address a
56 student other than the name registered by such student's
57 parent during enrollment, or derivatives thereof, without
58 the written permission of such student's parents.

59 6. No school official shall use a pronoun to address a
60 student that differs from such student's biological sex
61 without the written permission of such student's parents.

62 7. No school official, when acting in the course of
63 his or her official duties, shall carry out any act or
64 communication that would violate subsections 4 to 6 of this
65 section.

66 8. No school may require a school official to use a
67 pronoun that does not match a person's biological sex if
68 doing so would be contrary to the school official's
69 religious or moral convictions.

70 9. Nothing in this section prohibits school officials
71 from discussing any matters of public concern outside the
72 context of their official duties.

73 10. Any school official who discloses a violation of
74 this section by a school official shall be protected from
75 any manner of retaliation as set forth in section 105.055.

76 11. If a school district or charter school discovers
77 that a school official employed by such district or charter
78 school has knowingly violated any provision of this section,
79 the district or charter school shall determine a reasonable
80 and fair penalty for such violation in accordance with state
81 law.

82 12. For purposes of this section, a statement of an
83 individual's biological sex on his or her birth certificate
84 or another government record shall be deemed to have
85 correctly stated his or her biological sex only if the
86 statement was:

87 (1) Entered at or near the time of the individual's
88 birth; or

89 (2) Modified to correct any scrivener's error in the
90 individual's biological sex.

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