

SECOND REGULAR SESSION

HOUSE BILL NO. 1565

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

3356H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to instruction on human sexuality and sexually transmitted diseases.

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Section A. Section 170.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.015, to read as follows: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. **As used in this section, the terms "course materials" and "instruction" include any educational plan or program, curriculum, textbook, or other instructional materials used by the school district or charter school; any information contained in any school-sponsored speech or in any presentation by a school-sponsored speaker; any display permitted by the school district or charter school anywhere on school district or charter school property intended to impart information to students; and any plan or program prepared under section 191.668 that is used by the school district or charter school.** Any course materials ~~and~~ or instruction relating to human sexuality ~~and~~ or 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

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 to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human
19 papilloma virus, hepatitis and other sexually transmitted diseases;

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

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

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

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

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

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

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

49 (a) For the purposes of this subdivision, the term "consent" shall mean a freely given
50 agreement to the conduct at issue by a competent person. An expression of lack of consent
51 through words or conduct means there is no consent. Lack of verbal or physical resistance or
52 submission resulting from the use of force, threat of force, or placing another person in fear does
53 not constitute consent. A current or previous dating or social or sexual relationship by itself or

54 the manner of dress of the person involved with the accused in the conduct at issue shall not
55 constitute consent;

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

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

62 2. Policies concerning referrals and parental notification regarding contraception shall
63 be determined by local school boards or charter schools, consistent with the provisions of section
64 167.611.

65 3. A school district or charter school which provides **course materials or instruction**
66 **relating to** human sexuality [~~instruction~~] **or sexually transmitted diseases** may separate
67 students according to gender for instructional purposes.

68 4. The board of a school district or charter school shall determine the specific content
69 of the district's or school's **course materials or instruction** [~~in~~] **relating to** human sexuality **or**
70 **sexually transmitted diseases**, in accordance with subsections 1 to 3 of this section, and shall
71 ensure that all **course materials or instruction** [~~in~~] **relating to** human sexuality **or sexually**
72 **transmitted diseases** is appropriate to the age of the students receiving such **course materials**
73 **or instruction**.

74 5. A school district or charter school shall notify the parent or legal guardian of each
75 student enrolled in the district or school of:

76 (1) The basic content of the district's or school's **course materials or instruction**
77 **relating to** human sexuality [~~instruction~~] **or sexually transmitted diseases** to be provided to the
78 student; [~~and~~]

79 (2) The parent's right to **refuse the provision to the student of any of the district's or**
80 **school's course materials relating to human sexuality or sexually transmitted diseases; and**

81 (3) **The parent's right to** remove the student from any part of the district's or school's
82 **instruction relating to** human sexuality [~~instruction~~] **or sexually transmitted diseases**.

83 6. A school district or charter school shall make all curriculum materials used in the
84 district's or school's **course materials or instruction relating to** human sexuality [~~instruction~~]
85 **or sexually transmitted diseases** available for public inspection pursuant to chapter 610 prior
86 to the use of such **curriculum** materials in actual instruction.

87 7. (1) No school district or charter school, or its personnel or agents, shall provide
88 abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any

89 course materials or instruction relating to human sexuality or sexually transmitted diseases to its
90 students if such person or entity is a provider of abortion services.

91 ~~[8-]~~ **(2)** As used in this ~~[section]~~ **subsection**, the following terms mean:

92 ~~[(+)]~~ **(a)** "Abortion", the same meaning as such term is defined in section 188.015;

93 ~~[(2)]~~ **(b)** "Abortion services":

94 ~~[(a)]~~ **a.** Performing, inducing, or assisting in the performance or inducing of an abortion
95 which is not necessary to save the life of the mother;

96 ~~[(b)]~~ **b.** Encouraging a patient to have an abortion or referring a patient for an abortion~~[-]~~
97 which is not necessary to save the life of the mother; or

98 ~~[(c)]~~ **c.** Developing or dispensing drugs, chemicals, or devices intended to be used to
99 induce an abortion which is not necessary to save the life of the mother.

100 **8. Any course materials or instruction relating to gender identity or sexual**
101 **orientation shall be subject to the notice, refusal, and removal provisions in subsection 5**
102 **of this section.**

103 **9. Any parent or legal guardian of a student in a school district or charter school**
104 **shall have standing to bring a civil action against the school district or charter school to**
105 **enforce compliance with the provisions of this section. The parent or legal guardian may**
106 **seek injunctive relief in addition to any other relief or remedies permitted by law. The**
107 **court may, in its discretion, also award punitive damages. In the event judicial**
108 **enforcement is necessary, the prevailing party shall be awarded all costs of such litigation,**
109 **including reasonable attorney's fees.**

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