

SECOND REGULAR SESSION

SENATE BILL NO. 786

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROMINE.

Pre-filed December 13, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4228S.01I

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Section A. Section 170.015, RSMo, is repealed and one new section
2 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"**
2 **and "instruction" include any educational plan or program, curriculum,**
3 **textbook, or other instructional materials used by the school district or**
4 **charter school; any information contained in any school-sponsored**
5 **speech or in any presentation by a school-sponsored speaker; any**
6 **display permitted by the school district or charter school anywhere on**
7 **school district or charter school property intended to impart**
8 **information to students; and any plan or program prepared under**
9 **section 191.668 that is used by the school district or charter school.** Any
10 course materials [and] or instruction relating to human sexuality [and] or
11 sexually transmitted diseases shall be medically and factually accurate and shall:

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

19 (2) Stress that sexually transmitted diseases are serious, possible, health

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 hazards of sexual activity. Pupils shall be provided with the latest medical
21 information regarding exposure to human immunodeficiency virus, acquired
22 immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other
23 sexually transmitted diseases;

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

30 (4) Include a discussion of the possible emotional and psychological
31 consequences of preadolescent and adolescent sexual activity and the
32 consequences of adolescent pregnancy, as well as the advantages of adoption,
33 including the adoption of special needs children, and the processes involved in
34 making an adoption plan;

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

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

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

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

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

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

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

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

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

76 3. A school district or charter school which provides **course materials**
77 **or instruction relating to** human sexuality [instruction] **or sexually**
78 **transmitted diseases** may separate students according to gender for
79 instructional purposes.

80 4. The board of a school district or charter school shall determine the
81 specific content of the district's or school's **course materials or** instruction [in]
82 **relating to** human sexuality **or sexually transmitted diseases**, in accordance
83 with subsections 1 to 3 of this section, and shall ensure that all **course**
84 **materials or** instruction [in] **relating to** human sexuality **or sexually**
85 **transmitted diseases** is appropriate to the age of the students receiving such
86 **course materials or** instruction.

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

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

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

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

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

103 7. (1) No school district or charter school, or its personnel or agents, shall
104 provide abortion services, or permit a person or entity to offer, sponsor, or furnish
105 in any manner any course materials or instruction relating to human sexuality
106 or sexually transmitted diseases to its students if such person or entity is a
107 provider of abortion services.

108 [8.] (2) As used in this section, the following terms mean:

109 [(1)] (a) "Abortion", the same meaning as such term is defined in section
110 188.015;

111 [(2)] (b) "Abortion services":

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

114 [(b)] b. Encouraging a patient to have an abortion or referring a patient
115 for an abortion, which is not necessary to save the life of the mother; or

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

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

122 9. **Any parent or legal guardian of a student in a school district**
123 **or charter school shall have standing to bring a civil action against the**
124 **school district or charter school to enforce compliance with the**
125 **provisions of this section. The parent or legal guardian may seek**
126 **injunctive relief in addition to any other relief or remedies permitted**
127 **by law. The court may, in its discretion, also award punitive damages.**

128 **In the event judicial enforcement is necessary, the prevailing party**
129 **shall be awarded all costs of such litigation, including reasonable**
130 **attorney's fees.**

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