

SECOND REGULAR SESSION

HOUSE BILL NO. 1526

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MUCKLER (Sponsor), KELLY (36), SALVA,
HARRIS (110) AND SCHOEMEHL (Co-sponsors).

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STEPHEN S. DAVIS, Chief Clerk

3620L.011

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to health care for pregnant women, mothers, and children.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be
2 known as section 191.710, to read as follows:

2 **191.710. 1. The department of health and senior services, in consultation with the**
3 **department of social services, shall develop a program to provide preventative and primary**
4 **health care services to improve the health of low-income pregnant women, mothers, and**
5 **children within this state that promotes responsible sexual behavior on the part of**
6 **recipients of program services by teaching abstinence from sexual activity outside marriage**
7 **and promotes the policy of this state favoring childbirth over abortion.**

8 **2. The director of the department of health and senior services, in collaboration**
9 **with the director of the department of social services, shall prepare a statewide needs**
10 **assessment that identifies the need for preventive and primary health care services for:**

11 **(1) Pregnant women, mothers, and infants up to age one;**

12 **(2) Children; and**

13 **(3) Children with special health care needs.**

14 **3. The program shall:**

15 **(1) Provide and assure pregnant women, mothers, and children, especially those**
16 **with low income or limited availability of health services, access to quality maternal and**
17 **child health services;**

18 **(2) Seek to reduce infant mortality and the incidence of preventable diseases and**
handicapping conditions among children to:

- 19 **(a) Reduce the need for inpatient and long-term care services;**
20 **(b) Increase the number of children, especially preschool children, appropriately**
21 **immunized against disease and follow-up diagnostic and treatment services;**
22 **(c) Promote the health of mothers and infants by providing prenatal, delivery, and**
23 **postpartum care for low-income at-risk pregnant women; and**
24 **(d) Promote the health of children by providing preventative and primary care**
25 **services for low-income children;**
26 **(3) Provide and promote family-centered community-based coordinated care for**
27 **children with special health care needs and facilitate the development of community-based**
28 **systems of services for such children and their families;**
29 **(4) Provide for public access to information about the program, including a toll-free**
30 **telephone number for the use of parents to access information about health care providers**
31 **and practitioners who provide health care services under this section;**
32 **(5) Identify sources of public and private funds available to finance the costs of the**
33 **program, including an assessment of federal funds available under Title V of the Social**
34 **Security Act, 42 U.S.C. Sections 701 to 710;**
35 **(6) Detail how public funds shall be used for the provision and coordination of**
36 **services to implement the program, including:**
37 **(a) A statement of goals and objectives for meeting the needs identified under**
38 **subsection 2 of this section;**
39 **(b) Identify the areas and localities in this state in which services are to be provided**
40 **and coordinated;**
41 **(c) Identify the types of services to be provided and the categories or characteristics**
42 **of individuals to be served;**
43 **(7) Provide mentoring, counseling, and adult supervision to promote abstinence**
44 **from out-of-wedlock sexual activity, with a focus on those groups that are most likely to**
45 **bear children out-of-wedlock, including the following:**
46 **(a) Teach the social, psychological, and health benefits to be realized by abstaining**
47 **from sexual activity;**
48 **(b) Teach abstinence from sexual activity outside marriage as the expected**
49 **standard for all school age children;**
50 **(c) Teach that abstinence from sexual activity is the only certain way to avoid out-**
51 **of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;**
52 **(d) Teach that a mutually faithful monogamous relationship in the context of**
53 **marriage between a man and a woman is the expected standard of human sexual activity;**
54 **(e) Teach that sexual activity outside the context of marriage can potentially have**

55 **harmful psychological and physical effects;**

56 **(f) Teach that bearing children out-of-wedlock is likely to pose increased challenges**
57 **to the child, the child's parents, and society;**

58 **(g) Teach young people how to reject sexual advances and how alcohol and drug**
59 **use increases vulnerability to sexual advances; and**

60 **(h) Teach the importance of attaining self-sufficiency before engaging in sexual**
61 **activity.**

62 **4. When issuing grants or entering into contracts with public and private agencies**
63 **to provide services under this section, the department shall give preference to those**
64 **agencies that only promote abstinence from out-of-wedlock sexual activity in the agency's**
65 **or entity's human sexuality programs. Public funds shall not be expended, paid, or**
66 **granted in connection with the program to directly or indirectly subsidize abortion**
67 **services. To ensure that support is not given in any manner to abortion services and to**
68 **ensure that an entity that provides abortion services does not receive a direct or indirect**
69 **economic or marketing benefit from public funds expended in connection with this**
70 **program:**

71 **(1) Public funds shall not be expended, paid, or granted in connection with the**
72 **program to any entity that provides abortion services;**

73 **(2) An entity that does not provide abortion services may receive public funds in**
74 **connection with the program if affiliated with an entity that provides abortion services only**
75 **if the affiliated entity that provides abortion services is an independent affiliate;**

76 **(3) An entity that provides counseling to pregnant women in connection with the**
77 **program receiving public funds shall only provide nondirective pregnancy counseling**
78 **unless otherwise required under subsection 5 of this section;**

79 **(4) An entity that receives public funds in connection with the program shall not**
80 **display or distribute marketing materials promoting abortion services;**

81 **(5) An entity that receives public funds in connection with the program shall**
82 **maintain financial records that demonstrate strict compliance with this subsection;**

83 **(6) An independent audit of any entity that receives public funds in connection with**
84 **the program shall be conducted at least once every three years, or sooner if required by law**
85 **or if directed by the department, to ensure compliance with this subsection. If the recipient**
86 **of public funds is an affiliate of an entity that provides abortion services, an independent**
87 **audit to ensure compliance with this subsection shall be conducted at least annually. The**
88 **audit shall be conducted by:**

89 **(a) The state auditor if permitted by law; or**

90 **(b) An independent auditing firm retained or approved by the department.**

91 **5. Notwithstanding the provisions of subsection 4 of this section:**

92 **(1) Any entity eligible to receive reimbursements under Title XIX of the Social**
93 **Security Act, 42 U.S.C. Section 1396, et seq., may be reimbursed for services performed in**
94 **connection with the program for which payment to such entity is otherwise prohibited**
95 **under subsection 4 of this section if reimbursement for such services is required under the**
96 **federal Social Security Act and the refusal to reimburse for such required services will**
97 **result in the withholding of federal Medicaid funds to the state of Missouri. No state**
98 **Medicaid plan shall be adopted by this state or submitted to the federal government that**
99 **includes services that violate the provisions of subsection 4 of this section and are not**
100 **mandated for state Medicaid plans by Title XIX of the Social Security Act, as amended;**

101 **(2) Any entity receiving federal funds under Title X of the Public Health Services**
102 **Act may perform services that are required under the federal act but are otherwise**
103 **prohibited under subsection 4 of this section if:**

104 **(a) Specifically directed by the United States Secretary of Health and Human**
105 **Services to perform such services by written order directed to the organization; and**

106 **(b) Such order is final and no longer subject to appeal; and**

107 **(c) The refusal to perform such required services will result in the withholding of**
108 **federal funds to such organization.**

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110 **Federal statutory or regulatory provisions or guidelines of general application shall not**
111 **constitute a written order as described in this subdivision.**

112 **6. As used in subsections 4 and 5 of this section, the following terms shall mean:**

113 **(1) "Abortion services", include performing, inducing, or assisting with abortions**
114 **as defined in section 188.015, RSMo, or encouraging persons to have abortions or referring**
115 **persons for abortions not necessary to save the life of the mother;**

116 **(2) "Independent affiliate", an entity that provides abortion services that is**
117 **affiliated with an entity that does not provide abortion services, is separately incorporated**
118 **from the entity that does not provide abortion services, does not receive or share a direct**
119 **or indirect economic or marketing benefit from such affiliation with the entity that does**
120 **not provide abortion services, and does not share any of the following with the entity that**
121 **does not provide abortion services regardless of whether reimbursement is made for any**
122 **expenditures associated with sharing the following:**

123 **(a) The same name or similar names;**

124 **(b) Medical or nonmedical facilities, including but not limited to business offices,**
125 **laboratories, treatment, consultation, examination, and waiting rooms;**

126 **(c) Expenses;**

- 127 (d) **Employee wages or salaries; or**
- 128 (e) **Equipment or supplies, including but not limited to computers, telephone**
- 129 **systems, telecommunications equipment, and office and medical supplies;**
- 130 (3) **"Nondirective pregnancy counseling", counseling related to pregnancy that**
- 131 **does not include abortion services, but may include providing patients with information**
- 132 **regarding providers of health care and social services programs, or otherwise providing**
- 133 **information required by federal law;**
- 134 (4) **"Public funds", include:**
- 135 (a) **Any moneys received or controlled by the state of Missouri or any official,**
- 136 **department, division, agency, or political subdivision thereof, including but not limited to**
- 137 **moneys derived from federal, state, or local taxes, gifts, or grants from any source,**
- 138 **settlements of any claims or causes of action, public or private, bond proceeds, federal**
- 139 **grants or payments, or intergovernmental transfers;**
- 140 (b) **Any moneys received or controlled by any official, department, or agency of**
- 141 **state government or any political subdivision of the state, or granted or distributed to any**
- 142 **other person or entity pursuant to appropriation by the general assembly or the governing**
- 143 **body of any political subdivision of this state.**
- 144 7. **The department may adopt rules to implement the provisions of this section. No**
- 145 **rule or portion of a rule promulgated pursuant to the authority of this section shall become**
- 146 **effective unless it has been promulgated pursuant to chapter 536, RSMo.**
- 147 8. **Pursuant to section 23.253, RSMo, of the Missouri sunset act:**
- 148 (1) **The provisions of the new program authorized under this section shall**
- 149 **automatically sunset six years after the effective date of this section unless reauthorized by**
- 150 **an act of the general assembly; and**
- 151 (2) **If such program is reauthorized, the program authorized under this section**
- 152 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
- 153 **section; and**
- 154 (3) **This section shall terminate on September first of the calendar year immediately**
- 155 **following the calendar year in which the program authorized under this section is sunset.**