

HCS HB 716 -- SEXUAL EDUCATION AND ABORTIONS

SPONSOR: Davis

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Family Services by a vote of 5 to 3.

This substitute changes the laws regarding sexual education instruction in public schools and abortions.

SEXUAL EDUCATION

Public school course materials and instruction on sexuality and sexually transmitted diseases must be presented to students using medically factual information about the possible side effects of contraception or in accordance with the federal abstinence education law. The information should provide the personal, physical, emotional, financial, and psychological risks and consequences of premarital and extramarital sexual activity; the benefits of a monogamous heterosexual marriage; and the scientific consequences of drug and alcohol abuse on an unborn child. Charter schools are allowed to determine the policies and the appropriateness of how to present the materials and instruction. School district or charter school personnel or agents are prohibited from providing, permitting, sponsoring, or furnishing abortion services, materials, or instruction to students if that person is a provider of abortion services.

ABORTIONS

The substitute:

(1) Defines "medical emergency" as a condition which, on the basis of a physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman;

(2) Changes the penalties relating to abortion by including penalties for a person who knowingly induces or aids in the inducing of an abortion. Currently, there are penalties for any person who knowingly performs or aids in the performance of any abortion;

(3) Provides for an affirmative medical emergency defense for violations of any abortion provision;

(4) Establishes the Missouri Alternatives to Abortion Services

Program to provide services or counseling to pregnant women and assistance to mothers in caring for their children or placing them up for adoption. Counseling and services are available to a woman during her pregnancy and for one year after the birth of her child. The substitute also establishes the Missouri Alternatives to Abortion Public Awareness Program which requires the department or departments administering the program to develop an advertising campaign publicizing alternatives to abortion and to prioritize federal, public, and private moneys so that they are used first to fund these programs. The department or departments administering the programs may contract with public or private agencies to provide services or counseling. These programs and their funds will not be used to perform, induce, or assist in abortions; and

(5) Changes the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include any establishment operated for the purpose of performing or inducing any second or third trimester abortions or which performs at least five or more first trimester abortions per month.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$130,306 in FY 2008, Less than \$136,797 in FY 2009, and Less than \$137,901 in FY 2010. No impact on Other State Funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill provides better protection for children and encourages better morals, cultural values, and virtues by re-framing the method by which materials about sexuality are presented. It does not prohibit schools from providing information and discussing contraception and abortion but does ensure that equal time will be given on abstinence and abortion education.

Testifying for the bill were Representative Davis; Missouri Family Network; Missouri Baptist Convention, Christian Life Commission; Americans United for Life; Campaign Life Missouri; and Missouri Catholic Conference.

OPPOSERS: Those who oppose the bill say that it does not permit adequate education about contraception and abortion by limiting the material that can be used and discussed; has language that is confusing for school boards to interpret that will weaken their ability to make education about sexuality comprehensive and not favor abstinence only; and targets Planned Parenthood.

Testifying against the bill were Missouri National Education Association; Missouri School Boards' Association; NARAL Pro-Choice Missouri; Kathy Peterson; Reverend Rebecca Turner, Missouri Religious Coalition for Reproductive Choice; Missouri

Family Health Council; American Civil Liberties Union of Eastern Missouri; Viannella Halsall, Planned Parenthood-Kansas City; and Planned Parenthood Affiliates in Missouri.