

SECOND REGULAR SESSION

HOUSE BILL NO. 2232

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOW (Sponsor), CHAPPELLE-NADAL, PACE, WEBBER, OXFORD, BROWN (50), MEINERS, KANDER, CARTER, JONES (63), KOMO, McDONALD, NORR, LeVOTA, HOSKINS (80), CALLOWAY, SCHUPP, NEWMAN, KELLY, ATKINS, McCLANAHAN, CURLS, WALTON GRAY, TALBOY, McNEIL, ENGLUND, KIRKTON, COLONA, LAMPE, WEBB, AULL, CORCORAN, ZIMMERMAN, STILL, BURNETT, MORRIS, NASHEED, WALLACE, STORCH, HOLSMAN, LeBLANC, VOGT AND SPRENG (Co-sponsors).

3675L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof five new sections relating to reducing the number of abortions in the state through the prevention first act.

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

Section A. Section 170.015, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 170.015, 191.648, 191.720, 338.012, and 338.014, to read as follows:

170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate, **be based on peer reviewed projects that have been demonstrated to influence healthy behavior, be age appropriate**, 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] **as the only sure way to avoid pregnancy or sexually transmitted infection;**

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.

12 (2) Stress that sexually transmitted [diseases] **infections** are serious, possible, health
13 hazards of sexual activity. Pupils shall be provided with the latest medical information regarding
14 exposure to human immunodeficiency virus (**HIV**), acquired immune deficiency syndrome
15 (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

16 (3) Present students with the latest medically factual information [regarding both the
17 possible side effects and health benefits of all forms of contraception, including the success and
18 failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present
19 students with information on contraceptives and pregnancy in a manner consistent with the
20 provisions of the federal abstinence education law, 42 U.S.C. Section 710] **about the health**
21 **benefits and side effects of all contraceptives and barrier methods as a means to prevent**
22 **pregnancy and to reduce the risk of contracting sexually transmitted infections, HIV/AIDS**
23 **and other diseases;**

24 (4) [Include a discussion of the possible emotional and psychological consequences of
25 preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as
26 well as the advantages of adoption, including the adoption of special needs children, and the
27 processes involved in making an adoption plan] **Provide information about the vaccine for**
28 **human papilloma virus, which may prevent cervical cancer, genital warts, infertility, and**
29 **other reproductive health problems, when administered prior to becoming sexually active;**

30 (5) **Encourage family communication between parents and children about**
31 **sexuality;**

32 (6) **Help young people gain knowledge about the physical, biological, and hormonal**
33 **changes of adolescence and subsequent states of human maturation and the skills to make**
34 **responsible decisions about sexuality, including how alcohol and drug use can affect that**
35 **decision making;**

36 [(5)] (7) Teach skills of conflict management, personal responsibility and positive
37 self-esteem through discussion and role-playing at appropriate grade levels to emphasize that the
38 pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions
39 on reasoning, 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 unwanted physical
41 and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist
42 unwanted sexual advances and other negative peer pressure;

43 [(6)] (8) Advise pupils of the laws pertaining to their financial responsibility to children
44 born in and out of wedlock and advise pupils of the provisions of chapter 566, RSMo, pertaining
45 to statutory rape;

46 **(9) Help students develop skills in critical thinking, problem solving, decision**
47 **making, and stress management in order to make healthy decisions about sexuality and**
48 **relationships;**

49 **(10) Teach students about the dangers of sexual predators, including online**
50 **predators when using electronic communication methods such as the internet, cell phones,**
51 **text messages, chat rooms, email, and instant messaging programs. Students shall be**
52 **taught how to behave responsibly and remain safe on the internet and the importance of**
53 **having open communication with responsible adults and reporting any inappropriate**
54 **situation, activity, or abuse to a responsible adult, and depending on intent and content,**
55 **to local law enforcement, the FBI, or the CyberTipLine;**

56 **(11) Teach students about the consequences, both personal and legal, of**
57 **inappropriate text messaging even among friends.**

58 2. Policies concerning referrals and parental notification regarding contraception shall
59 be determined by local school boards or charter schools, consistent with the provisions of section
60 167.611, RSMo.

61 3. A school district or charter school which provides human sexuality instruction may
62 separate students according to gender for instructional purposes.

63 4. The board of a school district or charter school shall determine the specific content
64 of the district's or school's instruction in human sexuality, in accordance with subsections 1 to
65 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the age
66 of the students receiving such instruction.

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

69 (1) The basic content of the district's or school's human sexuality instruction to be
70 provided to the student; and

71 (2) The parent's right to remove the student from any part of the district's or school's
72 human sexuality instruction.

73 6. A school district or charter school shall make all curriculum materials **and names and**
74 **affiliations of presenters** used in the district's or school's human sexuality instruction available
75 for public inspection pursuant to chapter 610, RSMo, prior to the use of such materials in actual
76 instruction.

77 [7. No school district or charter school, or its personnel or agents, shall provide abortion
78 services, or permit a person or entity to offer, sponsor, or furnish in any manner any course
79 materials or instruction relating to human sexuality or sexually transmitted diseases to its
80 students if such person or entity is a provider of abortion services.

81 8. As used in this section, the following terms mean:

- 82 (1) "Abortion", the same meaning as such term is defined in section 188.015, RSMo;
83 (2) "Abortion services":
84 (a) Performing, inducing, or assisting in the performance or inducing of an abortion
85 which is not necessary to save the life of the mother;
86 (b) Encouraging a patient to have an abortion or referring a patient for an abortion, which
87 is not necessary to save the life of the mother; or
88 (c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce
89 an abortion which is not necessary to save the life of the mother.]

2 **191.648. 1. As used in this section, "expedited partner therapy" means the practice**
3 **of treating the sex partners of persons with chlamydia or gonorrhea without an intervening**
4 **medical evaluation or professional prevention counseling.**

5 **2. Any licensed physician may, but shall not be required to, utilize expedited**
6 **partner therapy for the management of the partners of persons with chlamydia or**
7 **gonorrhea. Notwithstanding the requirements of 20 CSR 2150-5.020(5) or any other law**
8 **to the contrary, a licensed physician utilizing expedited partner therapy may prescribe and**
9 **dispense medications for the treatment of chlamydia or gonorrhea for an individual who**
10 **is the partner of a person with chlamydia or gonorrhea and who does not have an**
11 **established physician/patient relationship with such physician. Any antibiotic medications**
12 **prescribed and dispensed for the treatment of chlamydia or gonorrhea under this section**
13 **shall be in pill form.**

14 **3. Any licensed physician utilizing expedited partner therapy for the management**
15 **of partners of persons with chlamydia or gonorrhea under this section shall have immunity**
16 **from any civil liability that may otherwise result by reason of such actions, unless such**
17 **physician acts negligently, recklessly, in bad faith, or with malicious purpose.**

18 **4. The department of health and senior services and the division of professional**
19 **registration within the department of insurance, financial institutions and professional**
20 **registration shall by rule develop guidelines for the implementation of subsection 2 of this**
21 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
22 **created under the authority delegated in this section shall become effective only if it**
23 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
24 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
25 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
26 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
27 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**
shall be invalid and void.

191.720. 1. This section shall be known and may be cited as the "Birth Control Protection Act".

2. The general assembly of this state finds that:

(1) Citizens of this state have a protectable interest in freedom from unreasonable government intrusions into their private lives;

(2) This interest in freedom from unreasonable government intrusions into the private lives of citizens encompasses and protects the right of consenting individuals to obtain and use safe and effective methods of contraception without interference by governmental entities;

(3) It is the public policy of this state that the interest in freedom from unreasonable government intrusions into the private lives of citizens, and specifically the right of consenting individuals to obtain and use safe and effective methods of contraception without interference by governmental entities, shall be safeguarded and that the laws of this state shall be interpreted and construed to recognize and protect these rights.

3. Notwithstanding any other provisions of law, no governmental actor or entity, whether state, county, municipal, or otherwise, within the state of Missouri, shall:

(1) Be authorized to act in any fashion so as to deprive consenting individuals of the right to obtain and use safe and effective methods of contraception; or

(2) Interfere with or discriminate against, in the regulation or provision of benefits, facilities, services, or information, the right of consenting individuals to obtain and use safe and effective methods of contraception.

4. Nothing in this section shall be interpreted to prevent implementation of laws, rules, ordinances, taxes, or regulations affecting the method and manner of sale or distribution of contraceptives, provided such laws, rules, ordinances, taxes, or regulations are reasonably designed to promote public health and safety, and do not have the effect of unreasonably hindering public access to contraceptives.

338.012. 1. Upon receipt of a valid and lawful prescription, a licensed pharmacy shall dispense any prescribed drug or device in stock without delay, consistent with the normal time frame for filling any other prescription.

2. Nothing herein shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if:

(1) There is a valid medical concern that such drug or device will cause problems due to therapeutic duplications, drug-disease contraindications, drug interactions, including serious interactions with prescription or over-the-counter medications, incorrect

9 dosage or duration of drug treatment, drug-allergy interactions, drug abuse, or drug
10 misuse; or

11 (2) The customer is unable to pay for the drug or device.

12 3. When a customer requests a prescribed drug or device not in stock, the
13 pharmacy shall offer the customer the following options:

14 (1) The pharmacy shall obtain the drug or device under standard procedures for
15 expedited ordering of any prescription drug or device not in stock and promptly notify the
16 customer when the pharmacy receives the drug or device; or

17 (2) The pharmacy shall locate a pharmacy of the customer's choice or the closest
18 pharmacy that has the drug or device in stock and transfer the customer's prescription to
19 that pharmacy under standard procedures for transferring prescriptions.

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21 The pharmacy shall perform the customer's chosen option in a timely fashion and return
22 the prescription order to the customer upon request at any time prior to dispensing.

23 4. Every licensed pharmacy shall ensure that it does not intimidate, threaten, or
24 harass its customers in the delivery of services.

338.014. 1. A licensed pharmacy shall fulfill all lawful requests for contraception
2 approved for over-the-counter use in a timely fashion.

3 2. Where a customer lawfully requests contraception approved for over-the-counter
4 use, and that drug is not in stock, the pharmacy shall offer the customer the following
5 options:

6 (1) The pharmacy will obtain the contraception under the pharmacy's standard
7 procedures for expedited ordering of over-the-counter drugs not in stock and promptly
8 notify the customer when the pharmacy receives the contraception; or

9 (2) The pharmacy will locate a pharmacy of the customer's choice or the closest
10 pharmacy that has the contraception in stock and refer the customer to that pharmacy.

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12 The pharmacy shall perform the customer's chosen option in a timely fashion.

13 3. Every licensed pharmacy shall ensure that it does not intimidate, threaten, or
14 harass its customers in the delivery of services.

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