

**HOUSE****AMENDMENT NO. \_\_\_\_****Offered by****of**

1 AMEND House Committee Substitute for House Bill No. 1728, Page 1,  
 2 In the Title, Lines 2 and 3, by deleting all of said line and  
 3 inserting in lieu thereof the following:

4 "To repeal sections 170.015 and 192.300, RSMo, and to enact  
 5 in lieu thereof eight new sections relating to health, with a  
 6 penalty provision."; and

7  
 8 Further amend said bill, Page 1, Section A, Lines 1 and 2,  
 9 by deleting all of said lines and inserting in lieu thereof the  
 10 following:

11 "Section A. Sections 170.015 and 192.300, RSMo, are  
 12 repealed and eight new sections enacted in lieu thereof, to be  
 13 known as sections 170.015, 191.713, 191.714, 191.715, 192.300,  
 14 192.980, 338.016, and 338.018, to read as follows:

15 170.015. 1. Any course materials and instruction relating  
 16 to human sexuality and sexually transmitted diseases shall be  
 17 medically and factually accurate, be based on peer-reviewed  
 18 projects that have been demonstrated to influence healthy  
 19 behavior, be age appropriate, and shall:

20 (1) Present abstinence from sexual activity as the  
 21 preferred choice of behavior in relation to all sexual activity  
 22 [for unmarried pupils because it is the only method that is one  
 23 hundred percent effective in preventing pregnancy, sexually  
 24 transmitted diseases and the emotional trauma associated with  
 25 adolescent sexual activity, and advise students that teenage  
 26 sexual activity places them at a higher risk of dropping out of  
 27 school because of the consequences of sexually transmitted  
 28 diseases and unplanned pregnancy] as the only sure way to avoid  
 29 pregnancy or sexually transmitted infection;

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Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

27           (5) Encourage family communication between parents and  
28 children about sexuality;

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

34           [(5)] (7) Teach skills of conflict management, personal  
35 responsibility and positive self-esteem through discussion and  
36 role-playing at appropriate grade levels to emphasize that the  
37 pupil has the power to control personal behavior. Pupils shall

1 be encouraged to base their actions on reasoning, self-  
2 discipline, sense of responsibility, self-control, and ethical  
3 considerations, such as respect for one's self and others. Pupils  
4 shall be taught not to make unwanted physical and verbal sexual  
5 advances or otherwise exploit another person. Pupils shall be  
6 taught to resist unwanted sexual advances and other negative peer  
7 pressure;

8        [(6)] (8) Advise pupils of the laws pertaining to their  
9 financial responsibility to children born in and out of wedlock  
10 and advise pupils of the provisions of chapter 566 pertaining to  
11 statutory rape;

12        (9) Help pupils develop skills in critical thinking,  
13 problem solving, decision making, and stress management in order  
14 to make healthy decisions about sexuality and relationships;

15        (10) Teach pupils about the dangers of sexual predators,  
16 including online predators when using electronic communication  
17 methods such as the internet, cell phones, text messages, chat  
18 rooms, email, and instant messaging programs. Pupils shall be  
19 taught how to behave responsibly and remain safe on the internet  
20 and the importance of having open communication with responsible  
21 adults and reporting any inappropriate situation, activity, or  
22 abuse to a responsible adult, and depending on intent and  
23 content, to local law enforcement, the FBI, or the CyberTipLine;

24        (11) Teach pupils about the consequences, both personal and  
25 legal, of inappropriate text messaging even among friends.

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

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

33        4. The board of a school district or charter school shall  
34 determine the specific content of the district's or school's  
35 instruction in human sexuality, in accordance with subsections 1  
36 to 3 of this section, and shall ensure that all instruction in  
37 human sexuality is appropriate to the age of the students

1 receiving such instruction.

2 5. A school district or charter school shall notify the  
3 parent or legal guardian of each student enrolled in the district  
4 or school of:

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

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

9 6. A school district or charter school shall make all  
10 curriculum materials and names and affiliations of presenters  
11 used in the district's or school's human sexuality instruction  
12 available for public inspection pursuant to chapter 610 prior to  
13 the use of such materials in actual instruction.

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

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

21 (1) "Abortion", the same meaning as such term is defined in  
22 section 188.015;

23 (2) "Abortion services":

24 (a) Performing, inducing, or assisting in the performance  
25 or inducing of an abortion which is not necessary to save the  
26 life of the mother;

27 (b) Encouraging a patient to have an abortion or referring  
28 a patient for an abortion, which is not necessary to save the  
29 life of the mother; or

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

33 191.713. 1. Sections 191.713 and 191.715 may be cited as  
34 the "Compassionate Assistance for Rape Emergencies (CARE) Act".

35 2. As used in sections 191.713 to 191.715, unless the  
36 context clearly indicates otherwise, the following terms shall  
37 mean:

1 (1) "Emergency care to sexual assault victims", medical  
2 examinations, procedures, or services provided at a hospital to a  
3 sexual assault victim following an alleged rape;

4 (2) "Emergency contraception", any drug or device approved  
5 by the Food and Drug Administration that prevents pregnancy after  
6 sexual intercourse;

7 (3) "Health care facility", any urgent care center or  
8 facility that offers treatment for patients during normal  
9 business, after-business, or weekend hours and that is affiliated  
10 with a licensed hospital;

11 (4) "Medically and factually accurate and objective",  
12 verified or supported by the weight of research conducted in  
13 compliance with accepted scientific methods and is published in  
14 peer-reviewed journals where applicable; or comprising  
15 information that leading professional organizations and agencies  
16 with relevant expertise in the field, such as the American  
17 College of Obstetricians and Gynecologists, recognize as accurate  
18 and objective;

19 (5) "Sexual assault", as defined in section 566.040;

20 (6) "Sexual assault victim", a female who is alleged to  
21 have been raped and is presented as a patient.

22 191.714. 1. It shall be the standard of care for any  
23 hospital and any health care facility that provides emergency  
24 care to sexual assault victims to:

25 (1) Provide each sexual assault victim with medically and  
26 factually accurate and objective written and oral information  
27 about emergency contraception;

28 (2) Orally inform each sexual assault victim of her option  
29 to be provided emergency contraception at the hospital;

30 (3) Provide the complete regimen of emergency contraception  
31 immediately at the hospital or health care facility to each  
32 sexual assault victim who requests it; and

33 (4) Follow the Department of Justice protocols on HIV/STI  
34 screening and prophylactic treatment as referenced in 19 CSR  
35 40-10.010 and the sexual assault forensic exam checklist  
36 promulgated by the department of health and senior services.

37 2. Hospitals and health care facilities shall ensure that

1 each person who provides care to sexual assault victims is  
2 provided with medically and factually accurate and objective  
3 information about emergency contraception.

4 3. The department of health and senior services shall  
5 develop, prepare, and produce informational materials relating to  
6 emergency contraception for the prevention of pregnancy for  
7 distribution in any hospital or health care facility in the state  
8 in quantities sufficient to comply with the requirements of this  
9 section. The director, in collaboration with community sexual  
10 assault programs, may also approve informational materials from  
11 other sources.

12 4. The information materials shall:

13 (1) Be medically and factually accurate and objective;

14 (2) Be clearly written and readily comprehensible in a  
15 culturally competent manner, as the department deems necessary to  
16 inform victims of sexual assault; and

17 (3) Explain the nature of emergency contraception,  
18 including its use, safety, efficacy, and availability, and that  
19 it does not cause abortion.

20 5. The department of health and senior services shall  
21 respond to complaints and shall periodically determine whether  
22 hospitals and health care facilities are complying with the  
23 provisions of this section. The department may use all  
24 investigative tools available to verify compliance. If the  
25 department determines that a hospital or health care facility is  
26 not in compliance, the department shall:

27 (1) Impose an administrative penalty of five thousand  
28 dollars per woman who is denied medically and factually accurate  
29 and objective information about emergency contraception or who is  
30 not offered or provided emergency contraception; and

31 (2) Impose an administrative penalty of five thousand  
32 dollars for failure to comply with the provisions of this section  
33 and for every thirty days that a hospital or health care facility  
34 is not in compliance, an additional penalty of five thousand  
35 dollars shall be imposed.

36 6. The department shall promulgate rules to implement the  
37 provisions of sections 191.713 to 191.715.

1        7. Any rule or portion of a rule, as that term is defined  
2 in section 536.010, that is created under the authority delegated  
3 in this section shall become effective only if it complies with  
4 and is subject to all of the provisions of chapter 536 and, if  
5 applicable, section 536.028. This section and chapter 536 are  
6 nonseverable and if any of the powers vested with the general  
7 assembly pursuant to chapter 536 to review, to delay the  
8 effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2014,  
11 shall be invalid and void.

12        191.715. 1. This section shall be known and may be cited  
13 as the "Birth Control Protection Act".

14        2. The general assembly of this state finds that:

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

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

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

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

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

37        (2) Interfere with or discriminate against, in the

1 regulation or provision of benefits, facilities, services, or  
2 information, the right of consenting individuals to obtain and  
3 use safe and effective methods of contraception.

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

11  
12 Further amend said bill, Page 2, Section 192.300, Line 32,  
13 by inserting after all of said line the following:

14 "192.980. 1. Subject to appropriation, the department of  
15 health and senior services shall implement a women's health  
16 services program by July 1, 2015. Initial funding for the  
17 program shall be in the amount of five million dollars. Such  
18 program shall have the goal of reducing the number of unintended  
19 pregnancies in Missouri by providing women's health services  
20 through qualified health providers, as determined by the  
21 department.

22 2. For purposes of this section, women's health services  
23 shall include, but not be limited to:

24 (1) Breast and cervical cancer checks;

25 (2) Screening and treatment for sexually transmitted  
26 diseases;

27 (3) HIV screening;

28 (4) Voluntary choice of contraception, including natural  
29 family planning;

30 (5) Infertility treatment;

31 (6) Patient education and prepregnancy counseling on the  
32 dangers of smoking, alcohol, and drug use during pregnancy;

33 (7) Education on sexual coercion and violence in  
34 relationships; and

35 (8) Prenatal and other health care referrals.

36 3. Under section 23.253 of the Missouri sunset act:

37 (1) The provisions of the new program authorized under this



1 section shall sunset automatically six years after the effective  
2 date of this section unless reauthorized by an act of the general  
3 assembly; and

4 (2) If such program is reauthorized, the program authorized  
5 under this section shall sunset automatically twelve years after  
6 the effective date of the reauthorization of this section; and

7 (3) This section shall terminate on September first of the  
8 calendar year immediately following the calendar year in which  
9 the program authorized under this section is sunset.

10 338.016. 1. Upon receipt of a valid and lawful  
11 prescription, a licensed pharmacy shall dispense any prescribed  
12 drug or device in stock without delay, consistent with the normal  
13 time frame for filling any other prescription.

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

17 (1) There is a valid medical concern that such drug or  
18 device will cause problems due to therapeutic duplications,  
19 drug-disease contraindications, drug interactions, including  
20 serious interactions with prescription or over-the-counter  
21 medications, incorrect dosage or duration of drug treatment,  
22 drug-allergy interactions, drug abuse, or drug misuse; or

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

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

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

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

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

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

4       338.018. 1. A licensed pharmacy shall fulfill all lawful  
5 requests for contraception approved for over-the-counter use in a  
6 timely fashion.

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

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

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

17  
18 The pharmacy shall perform the customer's chosen option in a  
19 timely fashion.

20       3. Every licensed pharmacy shall ensure that it does not  
21 intimidate, threaten, or harass its customers in the delivery of  
22 services."; and

23  
24       Further amend said title, enacting clause and intersectional  
25 references accordingly.