

HOUSE**AMENDMENT NO. ____****Offered by****of**

1 AMEND House Committee Substitute for House Bill No. 2125, Page 1,
 2 In the Title, Line 2, by deleting the words "diabetes prevention"
 3 and inserting in lieu thereof the words "preventative
 4 healthcare"; and

5
 6 Further amend said bill, Page 1, Section A, Line 2, by
 7 inserting after all of said line the following:

8 "170.015. 1. Any course materials and instruction relating
 9 to human sexuality and sexually transmitted diseases shall be
 10 medically and factually accurate, be based on peer-reviewed
 11 projects that have been demonstrated to influence healthy
 12 behavior, be age appropriate, and shall:

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

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

Action Taken _____ Date _____

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

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

21 (5) Encourage family communication between parents and
22 children about sexuality;

23 (6) Help young people gain knowledge about the physical,
24 biological, and hormonal changes of adolescence and subsequent
25 states of human maturation and the skills to make responsible
26 decisions about sexuality, including how alcohol and drug use can
27 affect that decision making;

28 [(5)] (7) Teach skills of conflict management, personal
29 responsibility and positive self-esteem through discussion and
30 role-playing at appropriate grade levels to emphasize that the
31 pupil has the power to control personal behavior. Pupils shall
32 be encouraged to base their actions on reasoning, self-
33 discipline, sense of responsibility, self-control, and ethical
34 considerations, such as respect for one's self and others. Pupils
35 shall be taught not to make unwanted physical and verbal sexual
36 advances or otherwise exploit another person. Pupils shall be
37 taught to resist unwanted sexual advances and other negative peer

1 pressure;

2 [(6)] (8) Advise pupils of the laws pertaining to their
3 financial responsibility to children born in and out of wedlock
4 and advise pupils of the provisions of chapter 566 pertaining to
5 statutory rape;

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

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

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

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

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

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

33 5. A school district or charter school shall notify the
34 parent or legal guardian of each student enrolled in the district
35 or school of:

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

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

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

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

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

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

17 (2) "Abortion services":

18 (a) Performing, inducing, or assisting in the performance
19 or inducing of an abortion which is not necessary to save the
20 life of the mother;

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

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

27 191.713. 1. Sections 191.713 and 191.715 may be cited as
28 the "Compassionate Assistance for Rape Emergencies (CARE) Act".

29 2. As used in sections 191.713 to 191.715, unless the
30 context clearly indicates otherwise, the following terms shall
31 mean:

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

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

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

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

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

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

16 191.714. 1. It shall be the standard of care for any
17 hospital and any health care facility that provides emergency
18 care to sexual assault victims to:

19 (1) Provide each sexual assault victim with medically and
20 factually accurate and objective written and oral information
21 about emergency contraception;

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

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

27 (4) Follow the Department of Justice protocols on HIV/STI
28 screening and prophylactic treatment as referenced in 19 CSR
29 40-10.010 and the sexual assault forensic exam checklist
30 promulgated by the department of health and senior services.

31 2. Hospitals and health care facilities shall ensure that
32 each person who provides care to sexual assault victims is
33 provided with medically and factually accurate and objective
34 information about emergency contraception.

35 3. The department of health and senior services shall
36 develop, prepare, and produce informational materials relating to
37 emergency contraception for the prevention of pregnancy for

1 distribution in any hospital or health care facility in the state
2 in quantities sufficient to comply with the requirements of this
3 section. The director, in collaboration with community sexual
4 assault programs, may also approve informational materials from
5 other sources.

6 4. The information materials shall:

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

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

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

14 5. The department of health and senior services shall
15 respond to complaints and shall periodically determine whether
16 hospitals and health care facilities are complying with the
17 provisions of this section. The department may use all
18 investigative tools available to verify compliance. If the
19 department determines that a hospital or health care facility is
20 not in compliance, the department shall:

21 (1) Impose an administrative penalty of five thousand
22 dollars per woman who is denied medically and factually accurate
23 and objective information about emergency contraception or who is
24 not offered or provided emergency contraception; and

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

30 6. The department shall promulgate rules to implement the
31 provisions of sections 191.713 to 191.715.

32 7. Any rule or portion of a rule, as that term is defined
33 in section 536.010, that is created under the authority delegated
34 in this section shall become effective only if it complies with
35 and is subject to all of the provisions of chapter 536 and, if
36 applicable, section 536.028. This section and chapter 536 are
37 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536 to review, to delay the
2 effective date, or to disapprove and annul a rule are
3 subsequently held unconstitutional, then the grant of rulemaking
4 authority and any rule proposed or adopted after August 28, 2014,
5 shall be invalid and void.

6 191.715. 1. This section shall be known and may be cited
7 as the "Birth Control Protection Act".

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

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

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

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

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

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

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

35 4. Nothing in this section shall be interpreted to prevent
36 implementation of laws, rules, ordinances, taxes, or regulations
37 affecting the method and manner of sale or distribution of

1 contraceptives, provided such laws, rules, ordinances, taxes, or
2 regulations are reasonably designed to promote public health and
3 safety, and do not have the effect of unreasonably hindering
4 public access to contraceptives."; and

5
6 Further amend said bill, Page 2, Section 191.990, Line 33,
7 by inserting after all of said line the following:

8 "192.980. 1. Subject to appropriation, the department of
9 health and senior services shall implement a women's health
10 services program by July 1, 2015. Initial funding for the
11 program shall be in the amount of five million dollars. Such
12 program shall have the goal of reducing the number of unintended
13 pregnancies in Missouri by providing women's health services
14 through qualified health providers, as determined by the
15 department.

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

18 (1) Breast and cervical cancer checks;

19 (2) Screening and treatment for sexually transmitted
20 diseases;

21 (3) HIV screening;

22 (4) Voluntary choice of contraception, including natural
23 family planning;

24 (5) Infertility treatment;

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

27 (7) Education on sexual coercion and violence in
28 relationships; and

29 (8) Prenatal and other health care referrals.

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

31 (1) The provisions of the new program authorized under this
32 section shall sunset automatically six years after the effective
33 date of this section unless reauthorized by an act of the general
34 assembly; and

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

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

4 338.016. 1. Upon receipt of a valid and lawful
5 prescription, a licensed pharmacy shall dispense any prescribed
6 drug or device in stock without delay, consistent with the normal
7 time frame for filling any other prescription.

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

11 (1) There is a valid medical concern that such drug or
12 device will cause problems due to therapeutic duplications,
13 drug-disease contraindications, drug interactions, including
14 serious interactions with prescription or over-the-counter
15 medications, incorrect dosage or duration of drug treatment,
16 drug-allergy interactions, drug abuse, or drug misuse; or

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

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

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

25 (2) The pharmacy shall locate a pharmacy of the customer's
26 choice or the closest pharmacy that has the drug or device in
27 stock and transfer the customer's prescription to that pharmacy
28 under standard procedures for transferring prescriptions.
29 The pharmacy shall perform the customer's chosen option in a
30 timely fashion and return the prescription order to the customer
31 upon request at any time prior to dispensing.

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

35 338.018. 1. A licensed pharmacy shall fulfill all lawful
36 requests for contraception approved for over-the-counter use in a
37 timely fashion.

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

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

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

11
12 The pharmacy shall perform the customer's chosen option in a
13 timely fashion.

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

17
18 Further amend said title, enacting clause and intersectional
19 references accordingly.