

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill
2 Nos. 681 & 662, Page 70, Section 170.014, Line 15, by inserting after all of the said section and line the
3 following:
4

5 "170.015. 1. As used in this section, the following terms mean:

6 (1) "Abortion", the same definition as in section 188.015;

7 (2) "Abortion services":

8 (a) Performing, inducing, or assisting in the performance or inducing of an abortion that is not
9 necessary to save the life of the mother;

10 (b) Encouraging a patient to have an abortion or referring a patient for an abortion that is not
11 necessary to save the life of the mother; or

12 (c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion
13 that is not necessary to save the life of the mother;

14 (3) "Gender identity", the meaning provided in the Diagnostic and Statistical Manual of Mental
15 Disorders, 5th Edition, referred to as the "DSM-5";

16 (4) "Sexual orientation", an individual's actual or perceived orientation as heterosexual, homosexual,
17 or bisexual.

18 2. Any course materials and instruction relating to human sexuality and sexually transmitted diseases
19 shall be medically and factually accurate and shall:

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

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

29 (3) Present students with the latest medically factual information regarding both the possible side
30 effects and health benefits of all forms of contraception, including the success and failure rates for the
31 prevention of pregnancy and sexually transmitted diseases; or shall present students with information on

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1 contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education
2 law, 42 U.S.C. Section 710, as amended;

3 (4) Include a discussion of the possible emotional and psychological consequences of preadolescent
4 and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of
5 adoption, including the adoption of special needs children, and the processes involved in making an adoption
6 plan;

7 (5) Teach skills of conflict management, personal responsibility and positive self-esteem through
8 discussion and role-playing at appropriate grade levels to emphasize that the pupil has the power to control
9 personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of
10 responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall
11 be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person.
12 Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

13 (6) Advise pupils of the laws pertaining to their financial responsibility to children born in and out of
14 wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;

15 (7) Teach pupils about the dangers of sexual predators, including online predators when using
16 electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and
17 instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the
18 internet and the importance of having open communication with responsible adults and reporting any
19 inappropriate situation, activity, or abuse to a responsible adult, and depending on intent and content, to local
20 law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited
21 Children's CyberTipline;

22 (8) Teach pupils about the consequences, both personal and legal, of inappropriate text messaging,
23 even among friends; and

24 (9) Teach pupils about sexual harassment, sexual violence, and consent:

25 (a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to
26 the conduct at issue by a competent person. An expression of lack of consent through words or conduct
27 means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of
28 force, threat of force, or placing another person in fear does not constitute consent. A current or previous
29 dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused
30 in the conduct at issue shall not constitute consent;

31 (b) For the purposes of this subdivision, the term "sexual harassment" shall mean uninvited and
32 unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a
33 subordinate;

34 (c) For the purposes of this subdivision, the term "sexual violence" shall mean causing or attempting
35 to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that
36 person's consent.

37 ~~[2-]~~ 3. Policies concerning referrals and parental notification regarding contraception shall be
38 determined by local school boards or charter schools, consistent with the provisions of section 167.611.

39 ~~[3-]~~ 4. A school district or charter school ~~[which]~~ that provides human sexuality instruction may

1 separate students according to gender for instructional purposes.

2 [4.] 5. The board of a school district or charter school shall determine the specific content of the
3 district's or school's instruction in human sexuality, in accordance with subsections [4] 2 to [3] 4 of this
4 section, and shall ensure that all instruction in human sexuality is appropriate to the age of the students
5 receiving such instruction.

6 [5.] 6. A school district or charter school shall notify the parent or legal guardian of each student
7 enrolled in the district or school of:

8 (1) The basic content of the district's or school's human sexuality instruction to be provided to the
9 student as well as any curriculum, material, test, survey, questionnaire, activity, or instruction of any kind
10 related to sexual orientation or gender identity, regardless of whether offered as part of human sexuality
11 instruction or as part of any other class, activity, or program; and

12 (2) The parent's right to remove the student from any part of the district's or school's human sexuality
13 instruction or from any part of a curriculum, material, test, survey, questionnaire, activity, or instruction of
14 any kind related to sexual orientation or gender identity, regardless of whether offered as part of human
15 sexuality instruction or as part of any other class, activity, or program.

16 [6.] 7. A school district or charter school shall make all curriculum materials used in the district's or
17 school's human sexuality instruction and any curriculum materials, test, survey, questionnaire, activity, or
18 instruction of any kind related to sexual orientation or gender identity, regardless of whether offered as part of
19 human sexuality instruction or as part of any other class, activity, or program, available for public inspection
20 pursuant to chapter 610 prior to the use of such materials in actual instruction.

21 8. This section shall not be construed to require parental notification prior to:

22 (1) Responding to student questions during class regarding sexual orientation or gender identity as it
23 relates to any topic of instruction; or

24 (2) Referring to the sexual orientation or gender identity of any historic person, group, or public
25 figure so long as such information provides reasonable and necessary context in relation to an relevant and
26 legally authorized topic of instruction.

27 [7.] 9. No school district or charter school, or its personnel or agents, shall provide abortion services,
28 or permit a person or entity to offer, sponsor, or furnish in any manner any course materials or instruction
29 relating to human sexuality or sexually transmitted diseases to its students if such person or entity is a
30 provider of abortion services.

31 ~~[8. As used in this section, the following terms mean:~~

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

33 ~~(2) "Abortion services":~~

34 ~~(a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not~~
35 ~~necessary to save the life of the mother;~~

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

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

10. No provision of this section shall be construed to require any school district or charter school to provide any teaching on sexual orientation or gender identity not otherwise required by law.

11. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in pre-kindergarten through grades six or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards."; and

Further amend said bill, Page 78, Section 170.048, Line 27, by further amending said section and line the following:

"170.355. 1. As used in this section, the following terms mean:

(1) "Parent", a student's parent, guardian, or other person having control or custody of the student;

(2) "School", a public school or school district as such terms are defined in section 160.011.

2. No school or school employee shall compel a teacher or student to discuss public policy issues of the day without such teacher's or student's consent.

3. No school or school employee shall compel a teacher or student to adopt, affirm, adhere to, or profess ideas in violation of Title IV or Title VI of the federal Civil Rights Act of 1964, as amended, including, but not limited to, the following:

(1) That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior;

(2) That individuals should be adversely or advantageously treated on the basis of individual race, ethnicity, color, or national origin; or

(3) That individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, or national origin.

4. No course of instruction or unit of study offered by any school shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the ideas listed in subsection 3 of this section.

5. No course of instruction, unit of study, professional development, or training program shall direct or otherwise compel teachers to personally affirm, adopt, or adhere to any of the ideas listed in subsection 3 of this section.

6. (1) No school employee, when acting in the course of such employee's official duties, shall organize, participate in, or carry out any act or communication that would violate subsection 3 of this section.

(2) This subsection shall not be construed to prohibit a school employee from discussing the ideas and history of the ideas listed in subsection 3 of this section.

7. This section shall not be construed to prohibit teachers or students from discussing public policy issues or ideas that individuals may find unwelcome, disagreeable, or offensive.

8. No school shall require nondisclosure agreements or similar forms for parental review of curricula. Schools shall allow parents to make copies of curriculum documents.

9. (1) Students, parents, or teachers may file a complaint with the department of elementary and secondary education regarding any violation of this section.

(2) In addition to any relief sought through the appropriate Office for Civil Rights of the U.S. Department of Education, an individual may, in the alternative, bring a private right of action against any

1 school or school employee violating this section."; and

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3 Further amend said bill, Page 96, Section 304.060, Line 44, by inserting after all of the said section and line
4 the following:

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6 "573.550. 1. A person commits the offense of providing obscene material to a student if such person
7 is affiliated with a public or private elementary or secondary school in an official capacity and, knowing of its
8 content and character, such person provides, assigns, supplies,
9 distributes, loans, or coerces acceptance of or approving of the providing of obscene material to a student or
10 possesses with the purpose of providing, assigning, supplying, distributing, loaning, or coercing acceptance
11 of or approving of the providing of obscene material to a student.

12 2. The offense of providing obscene material to a student is a class A misdemeanor.

13 3. As used in this section, the following terms shall mean:

14 (1) "Person affiliated with a public or private elementary or secondary school in an official capacity", an
15 administrator, teacher, librarian, media center personnel, substitute teacher, teacher's assistant, student
16 teacher, law enforcement officer, school board member, school bus
17 driver, guidance counselor, coach, guest lecturer, guest speaker, or other nonschool employee who is invited
18 to present information to students by a teacher, administrator,
19 or other school employee. Such term shall not include a student enrolled in the elementary or secondary
20 school;

21 (2) "Obscene material", any material or performance if, taken as a whole:

22 (a) Applying contemporary community standards, its predominant appeal is to prurient interest in
23 sex;

24 (b) The average person, applying contemporary community standards, would find the material
25 depicts or describes sexual conduct in a patently offensive way; and

26 (c) A reasonable person would find the material lacks serious literary, artistic, political, or scientific
27 value."; and

28
29 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.