

FIRST REGULAR SESSION

HOUSE BILL NO. 137

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUDSON.

0110H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to instruction in human sexuality in schools.

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

Section A. Section 170.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.015, to read as follows:

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

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

(2) **"Abortion services":**

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

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

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

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

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

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

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.

18 hundred percent effective in preventing pregnancy, sexually transmitted diseases and the
19 emotional trauma associated with adolescent sexual activity, and advise students that teenage
20 sexual activity places them at a higher risk of dropping out of school because of the
21 consequences of sexually transmitted diseases and unplanned pregnancy;

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

26 (3) Present students with the latest medically factual information regarding both the
27 possible side effects and health benefits of all forms of contraception, including the success
28 and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall
29 present students with information on contraceptives and pregnancy in a manner consistent
30 with the provisions of the federal abstinence education law, 42 U.S.C. Section 710, **as**
31 **amended**;

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

36 (5) Teach skills of conflict management, personal responsibility and positive self-
37 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
39 actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical
40 considerations, such as respect for one's self and others. Pupils shall be taught not to
41 make unwanted physical and verbal sexual advances or otherwise exploit another person.
42 Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

43 (6) 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 pertaining to
45 statutory rape;

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

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

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

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

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

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

70 ~~[2-]~~ 3. Policies concerning referrals and parental notification regarding contraception
71 shall be determined by local school boards or charter schools, consistent with the provisions
72 of section 167.611.

73 ~~[3-]~~ 4. A school district or charter school ~~[which]~~ **that** provides human sexuality
74 instruction may separate students according to gender for instructional purposes.

75 ~~[4-]~~ 5. The board of a school district or charter school shall determine the specific
76 content of the district's or school's instruction in human sexuality, in accordance with
77 subsections ~~[+]~~ 2 to ~~[3]~~ 4 of this section, and shall ensure that all instruction in human
78 sexuality is appropriate to the age of the students receiving such instruction.

79 ~~[5-]~~ 6. A school district or charter school shall notify the parent or legal guardian of
80 each student enrolled in the district or school of:

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

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

91 [6-] 7. A school district or charter school shall make all curriculum materials used in
92 the district's or school's human sexuality instruction **and any curriculum materials, test,**
93 **survey, questionnaire, activity, or instruction of any kind related to sexual orientation**
94 **and gender identity, regardless of whether offered as part of human sexuality**
95 **instruction or as part of any other class, activity, or program,** available for public
96 inspection pursuant to chapter 610 prior to the use of such materials in actual instruction.

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

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

100 **(2) Referring to the sexual orientation or gender identity of any historic person,**
101 **group, or public figure if such information provides necessary context in relation to any**
102 **topic of instruction; or**

103 **(3) Referring to sexual orientation or gender identity if necessary to address a**
104 **disciplinary matter, such as an instance of bullying.**

105 [7-] 9. No school district or charter school, or its personnel or agents, shall provide
106 abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any
107 course materials or instruction relating to human sexuality or sexually transmitted diseases to
108 its students if such person or entity is a provider of abortion services.

109 ~~[8- As used in this section, the following terms mean:~~

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

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

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

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

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

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

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