

FIRST REGULAR SESSION

# HOUSE BILL NO. 75

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KELLEY (127).

0127H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapters 170 and 173, RSMo, by adding thereto two new sections relating to discrimination in education, with an emergency clause.

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

Section A. Chapters 170 and 173, RSMo, are amended by adding thereto two new sections, to be known as sections 170.348 and 173.2171, to read as follows:

**170.348. 1. As used in this section, "public school" has the same definition as in section 160.011.**

**2. (1) No pupil in any public school shall be required to engage in any form of mandatory gender or sexual diversity training or counseling. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex is prohibited.**

**(2) This subsection shall not be construed to prohibit voluntary counseling.**

**3. (1) No teacher, administrator, or other employee of a school district or public school shall require or make part of a course the concept that:**

**(a) One race or sex is inherently superior to another race or sex;**

**(b) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;**

**(c) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;**

**(d) Members of one race or sex cannot and should not attempt to treat others without respect to race or sex;**

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.

17 (e) An individual's moral character is necessarily determined by the individual's  
18 race or sex;

19 (f) An individual, by virtue of the individual's race or sex, bears responsibility  
20 for actions committed in the past by other members of the same race or sex;

21 (g) An individual should feel discomfort, guilt, anguish, or any other form of  
22 psychological distress on account of the individual's race or sex; or

23 (h) Meritocracy or traits such as a strong work ethic are racist or sexist or were  
24 created by members of a particular race to oppress members of another race.

25 (2) This subsection shall not be construed to prohibit the teaching of concepts  
26 that align with the academic performance standards, learning standards, or the  
27 statewide assessment system as established in chapter 160.

28 4. The state board of education may promulgate all necessary rules and  
29 regulations for the administration of this section. Any rule or portion of a rule, as that  
30 term is defined in section 536.010, that is created under the authority delegated in this  
31 section shall become effective only if it complies with and is subject to all of the  
32 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter  
33 536 are nonseverable and if any of the powers vested with the general assembly  
34 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
35 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
36 and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

173.2171. 1. As used in this section, "institution of higher education" means any  
2 approved public institution as defined in section 173.1102.

3 2. (1) No enrolled student of an institution of higher education shall be required  
4 to engage in any form of mandatory gender or sexual diversity training or counseling.  
5 Any orientation or requirement that presents any form of race or sex stereotyping or a  
6 bias on the basis of race or sex is prohibited.

7 (2) This subsection shall not be construed to prohibit voluntary counseling.

8 3. No employee of an institution of higher education shall require or make part  
9 of a course the concept that:

10 (1) One race or sex is inherently superior to another race or sex;

11 (2) An individual, by virtue of the individual's race or sex, is inherently racist,  
12 sexist, or oppressive, whether consciously or unconsciously;

13 (3) An individual should be discriminated against or receive adverse treatment  
14 solely or partly because of the individual's race or sex;

15 (4) Members of one race or sex cannot and should not attempt to treat others  
16 without respect to race or sex;

17           **(5) An individual's moral character is necessarily determined by the individual's**  
18 **race or sex;**

19           **(6) An individual, by virtue of the individual's race or sex, bears responsibility**  
20 **for actions committed in the past by other members of the same race or sex;**

21           **(7) An individual should feel discomfort, guilt, anguish, or any other form of**  
22 **psychological distress on account of the individual's race or sex; or**

23           **(8) Meritocracy or traits such as a strong work ethic are racist or sexist or were**  
24 **created by members of a particular race to oppress members of another race.**

25           **4. The coordinating board for higher education may promulgate all necessary**  
26 **rules and regulations for the administration of this section. Any rule or portion of a**  
27 **rule, as that term is defined in section 536.010, that is created under the authority**  
28 **delegated in this section shall become effective only if it complies with and is subject to**  
29 **all of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
30 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
31 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
32 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**  
33 **and any rule proposed or adopted after August 28, 2023, shall be invalid and void.**

Section B. Because immediate action is necessary to prohibit discrimination in  
2 education, section A of this act is deemed necessary for the immediate preservation of the  
3 public health, welfare, peace, and safety, and is hereby declared to be an emergency act within  
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon  
5 its passage and approval.

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