

FIRST REGULAR SESSION

# HOUSE BILL NO. 560

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SAULS.

0899H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 197, RSMo, by adding thereto seven new sections relating to centers for the treatment of sexually deviant behaviors, with penalty provisions.

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

Section A. Chapter 197, RSMo, is amended by adding thereto seven new sections, to  
2 be known as sections 197.950, 197.955, 197.960, 197.965, 197.970, 197.975, and 197.980, to  
3 read as follows:

**197.950. For purposes of sections 197.950 to 197.980, the following terms mean:**

- 2 **(1) "Center for the treatment of sexually deviant behaviors", a clinic, physician's**  
3 **office, or any other place or facility in which treatment of sexually deviant behaviors**  
4 **occurs;**
- 5 **(2) "Clinical social worker", a person licensed as a clinical social worker under**  
6 **chapter 337;**
- 7 **(3) "Department", the department of health and senior services;**
- 8 **(4) "Marital and family therapist", a person licensed as a marital and family**  
9 **therapist under chapter 337;**
- 10 **(5) "Physician", a person licensed as a physician under chapter 334;**
- 11 **(6) "Professional counselor", a person licensed as a professional counselor under**  
12 **chapter 337;**
- 13 **(7) "Psychiatric advanced practice registered nurse", the same meaning given to**  
14 **the term in section 632.005;**
- 15 **(8) "Psychologist", a person licensed and registered as a psychologist under**  
16 **chapter 337;**

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           **(9) "Sexually deviant behavior", any act from which sexual gratification is**  
18 **derived that constitutes a criminal offense or that is designed to or substantially likely to**  
19 **inflict humiliation or suffering;**

20           **(10) "Treatment of sexually deviant behaviors", a comprehensive set of planned**  
21 **therapeutic interventions and experiences to prevent or reduce the occurrence of**  
22 **sexually deviant behaviors that may include adjunct therapies to address the unique**  
23 **needs of the individual but that often focuses on the situations, thoughts, feelings, and**  
24 **behavior that have preceded and followed any past incidents of sexually deviant**  
25 **behavior and promotes change in areas relevant to the risk of continued sexually**  
26 **deviant behaviors.**

**197.955. A person or private entity shall not establish, conduct, or maintain a**  
2 **center for the treatment of sexually deviant behaviors in this state without a license**  
3 **issued by the department under sections 197.950 to 197.980.**

**197.960. 1. An application for a license as a center for the treatment of sexually**  
2 **deviant behaviors shall be made to the department upon forms provided by the**  
3 **department and shall contain such information as the department may require. The**  
4 **department may require affirmative evidence of ability to comply with such standards,**  
5 **rules, and regulations as are lawfully prescribed under the provisions of sections 197.950**  
6 **to 197.980.**

7           **2. Each application for a license and each application for renewal of the license**  
8 **shall be accompanied by a license fee of two hundred dollars. All license fees shall be**  
9 **deposited in the state treasury to the credit of general revenue.**

**197.965. 1. Upon receipt of an application for a license, the department shall**  
2 **issue a license if the applicant and center for the treatment of sexually deviant behaviors**  
3 **meet the requirements of sections 197.950 to 197.980 and have provided affirmative**  
4 **evidence that the requirements of subsection 2 of this section will be met.**

5           **2. A licensed center for the treatment of sexually deviant behaviors shall ensure**  
6 **that:**

7           **(1) At least one member of the staff shall be a physician, psychiatric advanced**  
8 **practice registered nurse, psychologist, clinical social worker, professional counselor, or**  
9 **marital and family therapist;**

10           **(2) Treatment of sexually deviant behaviors shall be provided only by physicians,**  
11 **psychiatric advanced practice registered nurses, psychologists, clinical social workers,**  
12 **professional counselors, or marital and family therapists;**

13           **(3) Treatment of sexually deviant behaviors shall involve techniques that have**  
14 **been tested and proven by scientific research to be beneficial for persons who have**  
15 **engaged in sexually deviant behaviors;**

16           **(4) Treatment of sexually deviant behaviors shall not involve any physical**  
17 **violence; and**

18           **(5) Adequate records for each person treated shall be maintained.**

19           **3. A license shall be issued for a period of one year.**

20           **4. Upon receipt of an application for renewal of a license, the department shall**  
21 **renew the license for a period of one year if the applicant and center for the treatment of**  
22 **sexually deviant behaviors meet the requirements established under sections 197.950 to**  
23 **197.980 as evidenced by an annual on-site inspection by the department.**

24           **5. Licenses shall be posted in a conspicuous place on the licensed premises.**

25           **6. Each license shall be issued only for the premises and persons or entity named**  
26 **in the application and shall not be transferable or assignable except with the written**  
27 **consent of the department.**

28           **7. If, during the period in which a license is in effect, the license holder or**  
29 **operator legally transfers operational responsibilities by any process to another person**  
30 **or entity, an application shall be made for the issuance of a new license to become**  
31 **effective on the transfer date.**

**197.970. 1. The department shall refuse to issue or shall suspend or revoke the**  
2 **license of any center for the treatment of sexually deviant behaviors for failure to**  
3 **comply with any provision of sections 197.950 to 197.980 or with any rule or standard of**  
4 **the department adopted under the provisions of sections 197.950 to 197.980 or for**  
5 **obtaining the license by means of fraud, misrepresentation, or concealment of material**  
6 **facts.**

7           **2. Any center for the treatment of sexually deviant behaviors that has been**  
8 **refused a license or license renewal or that has had its license revoked or suspended by**  
9 **the department may seek a review of the department's action by the administrative**  
10 **hearing commission.**

**197.975. Any person who violates the provisions of sections 197.950 to 197.980 is**  
2 **guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by**  
3 **law.**

**197.980. The department shall promulgate rules to implement the provisions of**  
2 **sections 197.950 to 197.980. Any rule or portion of a rule, as that term is defined in**  
3 **section 536.010, that is created under the authority delegated in this section shall**  
4 **become effective only if it complies with and is subject to all of the provisions of chapter**  
5 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**  
6 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**

7 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
8 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
9 **adopted after August 28, 2023, shall be invalid and void.**

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