

# HOUSE BILL NO. 1405

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BILLINGTON.

2961H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to school employees and independent contractors.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be known as section 167.174, to read as follows:

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

- 2       **(1) "Biological sex", the biological sex as listed on an individual's original birth**  
3 **certificate or a birth certificate amended under section 193.215 for a reason not related**  
4 **to a scrivener's error;**
- 5       **(2) "Employee", an individual who works in any capacity for any public school,**  
6 **whether performance of such work is voluntary or paid, such as a teacher,**  
7 **administrator, janitor, cafeteria worker, or other individual;**
- 8       **(3) "Independent contractor", an individual who is not an employee but who**  
9 **works in any capacity for a public school under a contract between such individual or**  
10 **such individual's employer and such public school, school board, employee of such**  
11 **public school or school board, or a member of such school board;**
- 12       **(4) "Parent", a parent, guardian, or other person having control or custody of a**  
13 **student;**
- 14       **(5) "Public school", the same meaning as in section 160.011;**
- 15       **(6) "School board", the same meaning as in section 160.011;**
- 16       **(7) "Student", an individual who is under eighteen years of age or has not been**  
17 **otherwise emancipated under state law.**

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           **2. No employee or independent contractor shall knowingly address, identify, or**  
19 **refer to a student by pronouns that are different from the pronouns that align with such**  
20 **student's biological sex unless the public school or school board receives written**  
21 **permission from the student's parent.**

22           **3. No public school or school board shall require an employee or independent**  
23 **contractor to address, identify, or refer to an individual by pronouns that are different**  
24 **from the pronouns that align with such individual's biological sex if such usage is**  
25 **contrary to such employee's or independent contractor's religious or moral convictions.**

26           **4. Each public school and school board shall adopt and implement a policy that**  
27 **is substantially similar to the provisions of this section.**

28           **5. Nothing in this section shall be construed to prohibit an employee or**  
29 **independent contractor from discussing any matters of public concern outside the**  
30 **context of such employee's or independent contractor's official duties.**

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