

SECOND REGULAR SESSION

HOUSE BILL NO. 2900

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOODS.

5833H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to reproductive or sexual health application information.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.753, to read as follows:

191.753. 1. For purposes of this section, the following terms mean:

(1) "Gender transition", the same meaning given to the term in section 191.1720;

(2) "Government entity", any state agency, state or local law enforcement agency, or peace officer;

(3) "Health care service", the same meaning given to the term in section 376.1350. The term "health care service" shall also include:

(a) Any service involving the performance of an abortion, as defined in section 188.015; and

(b) Any service involving care in connection with a gender transition;

(4) "Peace officer", the same meaning given to the term in section 542.261;

(5) "Reproductive or sexual health application information", information about a consumer's reproductive health, menstrual cycle, fertility, pregnancy, pregnancy outcome, plans to conceive, or type of sexual activity collected by a reproductive or sexual health digital service including, but not limited to, information from which one can infer someone's pregnancy status, menstrual cycle, fertility, hormone levels, birth control usage, sexual activity, or gender identity;

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 **(6) "Reproductive or sexual health digital service", a mobile-based application**
18 **or internet website that collects reproductive or sexual health application information**
19 **from a consumer, markets itself as facilitating reproductive or sexual health services to a**
20 **consumer, and uses the information to facilitate reproductive or sexual health services to**
21 **a consumer;**

22 **(7) "State agency", the same meaning given to the term in section 536.010.**

23 **2. A reproductive or sexual health digital service shall not share, sell, or use any**
24 **reproductive or sexual health application information collected from any consumer for**
25 **any purpose without obtaining affirmative consent from the consumer for each instance**
26 **of sharing, selling, or using such information.**

27 **3. Except for the purpose of a criminal investigation as described in subsection 4**
28 **of this section, a government entity shall not require a reproductive or sexual health**
29 **digital service to release any reproductive or sexual health application information.**

30 **4. The provisions of this section shall not prohibit the release of reproductive or**
31 **sexual health application information to a government entity without the consumer's**
32 **affirmative consent if:**

33 **(1) The release of the reproductive or sexual health application information is**
34 **for the purpose of a criminal investigation into any matter other than a matter involving**
35 **a violation or potential violation of section 188.017;**

36 **(2) The government entity is not seeking the reproductive or sexual health**
37 **application information for the purpose of determining whether a consumer received a**
38 **health care service in another state;**

39 **(3) The government entity is not seeking the reproductive or sexual health**
40 **application information for the purpose of determining the outcome of a pregnancy;**
41 **and**

42 **(4) The government entity is not seeking the reproductive or sexual health**
43 **application information for the purpose of determining whether a consumer sought care**
44 **in connection with a gender transition.**

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