

FIRST REGULAR SESSION

HOUSE BILL NO. 38

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BILLINGTON.

0233H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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:

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