

FIRST REGULAR SESSION

# HOUSE BILL NO. 703

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WOODS.

1570H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

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

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*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) "Health digital service", a mobile-based application or internet website that collects reproductive or sexual health application information or any other health information from a consumer, markets itself as facilitating reproductive or sexual health services or any other health services to a consumer, and uses the information to facilitate reproductive or sexual health services or any other health services to a consumer;

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

(6) "Reproductive or sexual health application information", information about a consumer's reproductive health, menstrual cycle, fertility, pregnancy, pregnancy

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 **outcome, plans to conceive, or type of sexual activity collected by a health digital service**  
19 **including, but not limited to, information from which one can infer someone's**  
20 **pregnancy status, menstrual cycle, fertility, hormone levels, birth control usage, sexual**  
21 **activity, or gender identity;**

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

23 **2. A health digital service shall not share, sell, or use any reproductive or sexual**  
24 **health application information collected from any consumer for any purpose without**  
25 **obtaining affirmative consent from the consumer for each instance of sharing, selling, or**  
26 **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 health digital service to release**  
29 **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 chapter 188;**

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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