

FIRST REGULAR SESSION

# HOUSE BILL NO. 461

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHRISTENSEN.

1589H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof two new sections relating to instruction in human sexuality and development.

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

Section A. Section 170.015, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 170.015 and 170.313, to read as follows:

170.015. 1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall be medically and factually accurate and shall:

(1) Present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;

(2) Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus, acquired immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other sexually transmitted diseases;

(3) Present students with the latest medically factual information regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy in a manner consistent with the provisions of the federal abstinence education law, 42 U.S.C. Section 710;

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 (4) Include a discussion of the possible emotional and psychological consequences of  
19 preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy,  
20 as well as the advantages of adoption, including the adoption of special needs children, and  
21 the processes involved in making an adoption plan;

22 (5) Teach skills of conflict management, personal responsibility and positive self-  
23 esteem through discussion and role-playing at appropriate grade levels to emphasize that the  
24 pupil has the power to control personal behavior. Pupils shall be encouraged to base their  
25 actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical  
26 considerations, such as respect for one's self and others. Pupils shall be taught not to  
27 make unwanted physical and verbal sexual advances or otherwise exploit another person.  
28 Pupils shall be taught to resist unwanted sexual advances and other negative peer pressure;

29 (6) Advise pupils of the laws pertaining to their financial responsibility to children  
30 born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to  
31 statutory rape;

32 (7) Teach pupils about the dangers of sexual predators, including online predators  
33 when using electronic communication methods such as the internet, cell phones, text  
34 messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to  
35 behave responsibly and remain safe on the internet and the importance of having open  
36 communication with responsible adults and reporting any inappropriate situation, activity, or  
37 abuse to a responsible adult, and depending on intent and content, to local law enforcement,  
38 the Federal Bureau of Investigation, or the National Center for Missing & Exploited  
39 Children's CyberTipline;

40 (8) Teach pupils about the consequences, both personal and legal, of inappropriate  
41 text messaging, even among friends; ~~and~~

42 (9) Teach pupils about sexual harassment, sexual violence, and consent:

43 (a) For the purposes of this subdivision, the term "consent" shall mean a freely given  
44 agreement to the conduct at issue by a competent person. An expression of lack of consent  
45 through words or conduct means there is no consent. Lack of verbal or physical resistance or  
46 submission resulting from the use of force, threat of force, or placing another person in fear  
47 does not constitute consent. A current or previous dating or social or sexual relationship by  
48 itself or the manner of dress of the person involved with the accused in the conduct at issue  
49 shall not constitute consent;

50 (b) For the purposes of this subdivision, the term "sexual harassment" shall mean  
51 uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a  
52 person in authority toward a subordinate;

53 (c) For the purposes of this subdivision, the term "sexual violence" shall mean  
54 causing or attempting to cause another to engage involuntarily in any sexual act by force,  
55 threat of force, duress, or without that person's consent; and

56 **(10) For the 2025-26 school year and all subsequent school years, include a**  
57 **human growth and development discussion, which shall include:**

58 **(a) A high-definition ultrasound video at least three minutes in duration that**  
59 **shows the development of the brain, heart, sex organs, and other vital organs in early**  
60 **fetal development; and**

61 **(b) The "Meet Baby Olivia" video developed by Live Action, or its successor**  
62 **video, that shows the process of fertilization and every stage of human development**  
63 **inside the uterus and notes significant markers in cell growth and organ development**  
64 **for every significant marker of pregnancy until birth.**

65 2. Policies concerning referrals and parental notification regarding contraception shall  
66 be determined by local school boards or charter schools, consistent with the provisions of  
67 section 167.611.

68 3. A school district or charter school which provides human sexuality instruction may  
69 separate students according to gender for instructional purposes.

70 4. **Except for the video required under paragraph (b) of subdivision (10) of**  
71 **subsection 1 of this section,** the board of a school district or charter school shall determine  
72 the specific content of the district's or school's instruction in human sexuality, in accordance  
73 with subsections 1 to 3 of this section~~[-and]~~. **The school board of a school district or the**  
74 **governing board of a charter school** shall ensure that all instruction in human sexuality is  
75 appropriate to the age of the students receiving such instruction.

76 5. A school district or charter school shall notify the parent or legal guardian of each  
77 student enrolled in the district or school of:

78 (1) The basic content of the district's or school's human sexuality instruction to be  
79 provided to the student; and

80 (2) The parent's right to remove the student from any part of the district's or school's  
81 human sexuality instruction.

82 6. A school district or charter school shall make all curriculum materials used in the  
83 district's or school's human sexuality instruction available for public inspection pursuant to  
84 chapter 610 prior to the use of such materials in actual instruction.

85 7. No school district or charter school, or its personnel or agents, shall provide  
86 abortion services, or permit a person or entity to offer, sponsor, or furnish in any manner any  
87 course materials or instruction relating to human sexuality or sexually transmitted diseases to  
88 its students if such person or entity is a provider of abortion services.

89 8. As used in this section, the following terms mean:

90 (1) "Abortion", the same meaning as such term is defined in section 188.015;

91 (2) "Abortion services":

92 (a) Performing, inducing, or assisting in the performance or inducing of an abortion  
93 which is not necessary to save the life of the mother;

94 (b) Encouraging a patient to have an abortion or referring a patient for an abortion[;  
95 ~~which~~ **that** is not necessary to save the life of the mother; or

96 (c) Developing or dispensing drugs, chemicals, or devices intended to be used to  
97 induce an abortion which is not necessary to save the life of the mother;

98 (3) **"Human growth and development discussion", an oral, written, or digital**  
99 **lesson, lecture, or presentation about human biology related to pregnancy and human**  
100 **development inside the womb.**

101 **9. The general assembly hereby acknowledges the state's interest in safeguarding**  
102 **the health and well-being of its residents and citizens. In furtherance of this**  
103 **acknowledgment, the attorney general of Missouri shall have standing as parens patriae**  
104 **to sue to enforce this section on behalf of any or all residents or citizens of Missouri.**

105 **10. The attorney general of Missouri shall have a cause of action to sue for**  
106 **damages or injunctive relief, or both, on behalf of any or all residents or citizens of**  
107 **Missouri against any person or entity that violates this section.**

**170.313. 1. For the 2025-26 school year and all subsequent school years, each**  
2 **school board of a school district and governing board of a charter school shall require**  
3 **instruction in human growth and development beginning no later than grade three.**  
4 **Such instruction shall be accomplished by means of a lesson, lecture, or presentation**  
5 **about human biology related to pregnancy and human development inside the womb.**  
6 **Such instruction may be presented in an oral, written, or digital format or some**  
7 **combination of such formats.**

8 **2. The requirements of section 160.514 shall not apply to this section.**

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