

# HOUSE BILL NO. 2426

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KEATHLEY.

4672H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 431.061, RSMo, and to enact in lieu thereof three new sections relating to parental rights.

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

Section A. Section 431.061, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 1.390, 1.391, and 431.061, to read as follows:

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

(1) "Child", any unemancipated person who has not attained eighteen years of age;

(2) "Parent", a natural parent, a parent by adoption, or an individual who has been granted exclusive right and authority over the welfare of a child under state law.

2. A parent has a fundamental liberty interest in the care, custody, and control of the parent's child, which includes the right to direct the upbringing, education, health care, and mental health care of the child free from government interference.

3. A governmental authority shall not restrict the fundamental right of a parent to direct the upbringing, education, health care, or mental health care of that parent's child unless the governmental authority demonstrates that application of the restriction to the parent and the child is essential to further a compelling governmental interest and is the least-restrictive means of furthering that compelling governmental interest.

4. This section applies to all state and local laws, resolutions, and ordinances and the implementation of such laws, resolutions, and ordinances, whether statutory or otherwise, and whether adopted before, on, or after August 28, 2026.

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           **5. Nothing in this section or section 1.391 shall be construed as allowing any**  
18 **person to cause physical injury to another person, to possess a weapon otherwise**  
19 **prohibited by law, to fail to provide monetary support for a child, or to fail to provide**  
20 **health care for a child suffering from a life-threatening condition.**

**1.391. 1. The following rights and responsibilities are exclusively reserved to a**  
2 **parent of a child without obstruction by or interference from this state, any political**  
3 **subdivision of this state, any other governmental entity, or any other institution:**

4           **(1) To direct the education of the child, including the right to choose public,**  
5 **private, or parochial school, parish school, home school, or FPE school, and the right to**  
6 **make reasonable choices within public schools for the education of the child;**

7           **(2) To access and review all written and electronic educational records relating**  
8 **to the child that are controlled by or in the possession of a school;**

9           **(3) To direct the upbringing of the child;**

10          **(4) To direct the moral or religious training of the child;**

11          **(5) To make and consent in writing to all physical and mental health care**  
12 **decisions for the child;**

13          **(6) To access and review all health and medical records of the child;**

14          **(7) To consent in writing before a biometric scan of the child is made, shared, or**  
15 **stored;**

16          **(8) To consent in writing before any record of the child's blood or**  
17 **deoxyribonucleic acid (DNA) is created, stored, or shared unless authorized under a**  
18 **court order;**

19          **(9) To consent in writing before any governmental authority makes a video or**  
20 **voice recording of the child unless the video or voice recording is made during or as a**  
21 **part of:**

22           **(a) A court proceeding;**

23           **(b) A law enforcement investigation;**

24           **(c) A forensic interview for a criminal investigation or an interview for an**  
25 **investigation by the department of social services;**

26           **(d) Security or surveillance of buildings or grounds; or**

27           **(e) A photo identification card;**

28          **(10) To be notified promptly if any governmental authority suspects that abuse,**  
29 **neglect, or any criminal offense has been committed against the child unless the**  
30 **governmental authority reasonably believes that notifying the parent is likely to**  
31 **endanger the life or physical safety of the child;**

32          **(11) To opt out the child from any personal analysis, evaluation, survey, or data**  
33 **collection by a school district that would capture data for inclusion in the state**

34 **longitudinal student data system except what is necessary and essential for establishing**  
 35 **a student's educational record;**

36 **(12) To excuse the child from school attendance for religious purposes; and**

37 **(13) To participate in parent-teacher organizations and other school**  
 38 **organizations that are sanctioned by the board of education of a school district.**

39 **2. Except for law enforcement personnel, a governmental authority shall not**  
 40 **encourage or coerce a child to withhold information from the child's parent, nor**  
 41 **withhold from a child's parent information that is relevant to the physical, emotional, or**  
 42 **mental health of the child.**

43 **3. A parent who believes his or her rights have been violated under this section**  
 44 **or section 1.390 may assert that violation as a claim or defense in a judicial or**  
 45 **administrative proceeding, regardless of whether the government is a party to the**  
 46 **proceeding, and obtain appropriate relief against the government, including declaratory**  
 47 **relief, injunctive relief, compensatory damages, and reasonable attorney's fees and**  
 48 **costs.**

431.061. 1. In addition to such other persons as may be so authorized and  
 2 empowered, any one of the following persons if otherwise competent to contract, is  
 3 authorized and empowered to consent, either orally or otherwise, to any surgical, medical, or  
 4 other treatment or procedures, including immunizations, not prohibited by law:

5 (1) Any adult eighteen years of age or older for himself **or herself**;

6 (2) Any parent for his **or her** minor child in his **or her** legal custody;

7 (3) Any minor who has been lawfully married and any minor parent or legal  
 8 custodian of a child for himself **or herself**, his **or her** child and any child in his **or her** legal  
 9 custody;

10 (4) Any minor for ~~himself~~ **herself** in case of[~~;~~

11 ~~(a)] pregnancy, but excluding abortions; **only the parent shall consent to treatment**~~

12 **regarding a minor obtaining an abortion;**

13 ~~[(b) Venereal disease;~~

14 ~~(c) Drug or substance abuse including those referred to in chapter 195;]~~

15 (5) Any adult standing in loco parentis, whether serving formally or not, for his minor  
 16 charge in case of emergency as defined in section 431.063;

17 (6) Any guardian of the person for his ward;

18 (7) Any relative caregiver of a minor child as provided for under section 431.058.

19 **2. The provisions of sections 431.061 and 431.063 shall be liberally construed, and all**  
 20 **relationships set forth in subsection 1 of this section shall include the adoptive and step-**  
 21 **relationship as well as the natural relationship and the relationship by the half blood as well as**  
 22 **by the whole blood.**

23           3. A consent by one person so authorized and empowered shall be sufficient  
24 notwithstanding that there are other persons so authorized and empowered or that such other  
25 persons shall refuse or decline to consent or shall protest against the proposed surgical,  
26 medical or other treatment or procedures.

27           4. Any person acting in good faith and not having been put on notice to the contrary  
28 shall be justified in relying on the representations of any person purporting to give such  
29 consent, including, but not limited to, his identity, his age, his marital status, and his  
30 relationship to any other person for whom the consent is purportedly given.

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