

SECOND REGULAR SESSION

# HOUSE BILL NO. 2735

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WOODS.

5321H.01I

JOSEPH ENGLER, 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  
2 known as section 191.753, to read as follows:

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

2       **(1) "Gender transition", the same meaning given to the term in section 191.1720;**  
3       **(2) "Government entity", any state agency, state or local law enforcement**  
4 **agency, or peace officer;**

5       **(3) "Health care service", the same meaning given to the term in section**  
6 **376.1350. The term "health care service" shall also include:**

7       **(a) Any service involving the performance of an abortion, as defined in section**  
8 **188.015; and**

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

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

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

16       **(6) "Reproductive or sexual health application information", information about**  
17 **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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