

SECOND REGULAR SESSION

HOUSE BILL NO. 2591

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURNETT.

5292H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof two new sections relating to services provided to students.

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Section A. Section 170.015, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 167.632 and 170.015, to read as follows:

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

(1) "Period products", tampons and sanitary napkins for use in connection with the menstrual cycle;

(2) "School building", any facility owned or leased by a charter school or a school district:

(a) Over which the charter school or the school board of the school district has care, custody, or control; and

(b) In which there is a charter school or a middle school or junior high school serving students in grades six to eight or a charter school or a high school serving students in grades nine to twelve.

2. Beginning on July 1, 2023, each charter school and public school district shall provide period products in the restrooms of each of the charter school's or district's school buildings.

3. Each charter school and public school district shall provide period products at no charge to students. The total costs under this section shall be borne by the state from funds appropriated to the department of elementary and secondary education for that specific purpose.

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.

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;

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

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

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

(7) Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or 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.

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

59 3. A school district or charter school ~~[which]~~ **that** provides human sexuality
60 instruction may separate students according to gender for instructional purposes.

61 4. The board of a school district or charter school shall determine the specific content
62 of the district's or school's instruction in human sexuality, in accordance with subsections 1 to
63 3 of this section, and shall ensure that all instruction in human sexuality is appropriate to the
64 age of the students receiving such instruction.

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

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

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

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

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

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

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

80 ~~(2) "Abortion services":~~

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

83 ~~(b) Encouraging a patient to have an abortion or referring a patient for an abortion,~~
84 ~~which is not necessary to save the life of the mother; or~~

85 ~~(c) Developing or dispensing drugs, chemicals, or devices intended to be used to~~
86 ~~induce an abortion which is not necessary to save the life of the mother.]~~

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