

HB 999 -- Sexual Education and Pregnancy Prevention

Sponsor: Low

This bill changes the laws regarding sexual education, sexually transmitted infection therapies, and pregnancy prevention.

SEXUAL EDUCATION

The bill changes the requirements for any course materials relating to human sexuality to include information:

- (1) Based on peer reviewed projects that influence healthy behavior;
- (2) Showing abstinence from sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections;
- (3) Regarding the benefits and side effects of contraceptives;
- (4) Regarding the vaccine for human papillomavirus;
- (5) Encouraging communication about sexuality between parents and their children; and
- (6) Regarding the physical, biological, and hormonal changes of adolescence, the transitions in human maturity, and responsible decision-making regarding sexuality and drug and alcohol use.

The bill repeals the provisions prohibiting school districts and charter schools from providing abortion services and abortion providers from furnishing human sexuality instruction and curriculum. Each school district must make all curriculum materials, names, and affiliations of presenters used in the school district available for public inspection prior to its use.

SEXUALLY TRANSMITTED INFECTION THERAPIES

Licensed physicians are allowed to use expedited partner therapy under certain conditions by dispensing and prescribing medications for partners of persons diagnosed with certain sexually transmitted infections even when there is no existing physician/patient relationship. This therapy can be utilized in any county health facility or health district located in an area if the chlamydia or gonorrhea rate is more than one and a half times the national rate for these infections or the local case rate exceeds the latest available national case rate and the most recent local annual case totals are at least 20% higher than the case totals for the previous year. Immunity from civil liability is given to any licensed physician using expedited partner

therapy unless the action is negligent, reckless, in bad faith, or malicious.

COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES ACT

The bill establishes the Compassionate Assistance for Rape Emergencies (CARE) Act which requires hospitals and health care facilities providing emergency care to sexual assault victims to:

- (1) Provide each victim with medically and factually accurate and objective written and oral information about emergency contraception and inform her that emergency contraception can be provided;
- (2) Immediately provide, if requested by the victim, a complete regimen of emergency contraception; and
- (3) Follow the federal Department of Justice's protocols on HIV/STD screening and prophylactic treatment.

The Department of Health and Senior Services is required to develop, prepare, and produce informational materials about emergency contraception to be distributed to hospitals and health care facilities. The department must respond to any complaints and complete compliance checks to determine whether hospitals and health care facilities are following the CARE Act requirements. If a hospital or a health care facility is not in compliance, the department will impose an administrative penalty of \$5,000 per woman who is denied information or emergency contraception and a \$5,000 penalty for every 30 days that a hospital or health care facility is not in compliance.

BIRTH CONTROL PROTECTION ACT

The Birth Control Protection Act is established and specifies that consenting individuals have a protected interest in freedom from unreasonable governmental intrusions into their private lives when obtaining and using safe and effective methods of contraception. No governmental actor or entity will be authorized to interfere in a consenting individual's right to obtain or use safe and effective methods of contraception or to interfere with or discriminate against those rights in the regulation or provision of benefits, facilities, services, or information. Laws, rules, ordinances, taxes, or regulations that are reasonably designed to promote public health and safety in the sale and distribution of contraceptives are not affected by the bill.

WOMEN'S HEALTH SERVICES PROGRAM

Subject to appropriations, the Department of Health and Senior Services must implement a women's health services program by July 1, 2010. The program will have a \$5 million budget with the goal of reducing the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers as determined by the department.

DISPENSING PRESCRIPTIONS BY PHARMACIES

The bill requires licensed pharmacies to dispense a prescribed drug or device without delay and in a manner that is consistent with the normal time frame for filling any other prescription. If the prescribed drug or device is not in stock, the pharmacy must use standard procedures for expedited ordering to fulfill the prescription or locate another pharmacy of the customer's choice and transfer the prescription. The pharmacy must carry out the customer's chosen option in a timely fashion. A pharmacy cannot intimidate, threaten, or harass a customer during the delivery of services. Over-the-counter contraceptive drug requests must also be fulfilled in a timely fashion.

The provisions of the bill regarding the women's health services program will expire six years from the effective date.