

HB 1439 -- Preventative Health Services

Sponsor: Newman

This bill changes the laws regarding sex education in public schools, establishes the Compassionate Assistance for Rape Emergencies (CARE) Act, establishes the Birth Control Protection Act, requires the development of a women's health care program, and establishes procedures for pharmacies dispensing prescriptions and over-the-counter medicines in certain situations.

SEX EDUCATION IN PUBLIC SCHOOLS (Section 170.015, RSMo)

The bill requires any course materials and instruction relating to human sexuality and sexually transmitted diseases to be based on peer-reviewed projects that have been demonstrated to influence healthy behavior, be age appropriate, and must:

- (1) Show abstinence from sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections. Currently, the materials and instruction must also reference the emotional and psychological consequences, possible academic results of preadolescent and adolescent sexual activity, and the advantages of adoption. The bill removes these provisions;
- (2) Present students with the latest information on the benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and reduce the risk of contracting sexually transmitted infections and other diseases;
- (3) Provide information regarding the vaccine for human papilloma virus;
- (4) Encourage communication about sexuality between parents and their children;
- (5) Help students understand the stages of maturity and how alcohol and drug use can affect decisions about sexuality;
- (6) Help students develop skills in critical thinking, problem solving, decision making, and stress management in order to make healthy decisions about sexuality and relationships; and
- (7) Teach students about the dangers of sexual predators including online predators and how to behave responsibly and remain safe on the Internet and about the consequences of inappropriate text messaging.

The bill repeals the provision which prohibits a school district

or charter school from providing abortion services and an abortion provider from furnishing human sexuality instruction and curriculum. Each school district or charter school must make all curriculum material and the names and affiliations of presenters used in the school's human sexuality instruction available for public inspection prior to its use.

COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES (CARE) ACT (Sections 191.713 - 191.714)

The bill establishes the Compassionate Assistance for Rape Emergencies (CARE) Act which requires that the standard of care for any health care facility that provides emergency care to sexual assault victims will be to give a victim information regarding emergency contraception, inform the victim of her option to be provided emergency contraception, and provide a complete regimen of emergency contraception if requested. The health care provider must follow federal Department of Justice protocols on HIV/STI screening and prophylactic treatment. An emergency health care facility must ensure that the victim is treated by a provider who has medically and factually accurate, objective information about emergency contraception.

The Department of Health and Senior Services must:

- (1) Develop, prepare, and produce informational materials regarding emergency contraception for the prevention of pregnancy for distribution in any health care facility in the state. The materials must be medically and factually accurate and objective; be clearly written and comprehensible; provide an explanation of the use, safety, efficacy, and availability of emergency contraception; and explain that it does not cause an abortion; and

- (2) Respond to complaints and periodically perform compliance checks on emergency health care facilities. If a facility is not in compliance, the department will impose a \$5,000 administrative penalty for each woman who is denied the informational materials or who is not offered emergency contraception and a \$5,000 administrative penalty for failure to comply with the provisions of the bill with an additional \$5,000 penalty for every 30 days of non-compliance.

BIRTH CONTROL PROTECTION ACT (Section 191.715)

The Birth Control Protection Act is established, which prohibits a governmental actor or entity from being 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 and do not have the effect of unreasonably hindering public access to contraceptives are not affected by the bill.

WOMEN'S HEALTH SERVICES PROGRAM (Section 192.980)

Subject to appropriations, the Department of Health and Senior Services must implement a women's health services program by July 1, 2013, through qualified health providers to reduce the number of unintended pregnancies. The initial funding for the program will be \$5 million. The services will include certain health screenings, treatments, and referrals; family planning services; and education.

DISPENSING PRESCRIPTIONS AND OVER-THE-COUNTER MEDICINES BY PHARMACIES (Sections 338.016 and 338.018)

The bill requires a licensed pharmacy to dispense a prescribed drug or device in stock without delay and in a manner that is consistent with the normal time frame for filling any other prescription. A pharmacy may refuse to fill a prescription if there is a valid medical concern, as specified in the bill, or if the customer is unable to pay. 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 must not 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 regarding the Women's Health Services Program will expire six years after the effective date.