

HB 1905 -- PREVENTIVE HEALTH SERVICES

SPONSOR: Newman

This bill changes the laws regarding sex education in public schools, establishes the Compassionate Assistance for Rape Emergencies (CARE) Act and 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 meet criteria specified in the bill.

Each school district or charter school must make the names and affiliations of presenters used in the school's human sexuality instruction available. The bill repeals the provision that prohibits a school district or charter school from providing abortion services and an abortion provider from furnishing human sexuality instruction and curriculum.

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 a sexual assault victim 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.

The Department of Health and Senior Services must:

- (1) Produce informational materials regarding emergency contraception for the prevention of pregnancy for distribution in any health care facility; 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 noncompliance.

#### 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 appropriation, the Department of Health and Senior Services must implement a women's health services program by July 1, 2017, 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 and nonthreatening fashion.

The provisions regarding the Women's Health Services Program will expire six years after the effective date.

This bill is similar to HB 353 (2015).