

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2234
99TH GENERAL ASSEMBLY

6028H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to human sexuality education.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 170.015, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 170.015, to read as follows:

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;

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

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

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

32 (7) Teach pupils about the dangers of sexual predators, including online predators when
33 using electronic communication methods such as the internet, cell phones, text messages, chat
34 rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly
35 and remain safe on the internet and the importance of having open communication with
36 responsible adults and reporting any inappropriate situation, activity, or abuse to a responsible
37 adult, and depending on intent and content, to local law enforcement, the Federal Bureau of
38 Investigation, or the National Center for Missing & Exploited Children's CyberTipline; ~~and~~

39 (8) Teach pupils about the consequences, both personal and legal, of inappropriate text
40 messaging, even among friends; **and**

41 **(9) Teach pupils about sexual harassment, sexual violence, and consent:**

42 **(a) For the purposes of this subdivision, the term "consent" shall mean a freely
43 given agreement to the conduct at issue by a competent person. An expression of lack of
44 consent through words or conduct means there is no consent. Lack of verbal or physical
45 resistance or submission resulting from the use of force, threat of force, or placing another
46 person in fear does not constitute consent. A current or previous dating or social or sexual
47 relationship by itself or the manner of dress of the person involved with the accused in the
48 conduct at issue shall not constitute consent;**

49 **(b) For the purposes of this subdivision, the term "sexual harassment" shall mean
50 uninvited and unwelcome verbal or physical behavior of a sexual nature, especially by a
51 person in authority toward a subordinate;**

52 **(c) For the purposes of this subdivision, the term "sexual violence" shall mean**
53 **causing or attempting to cause another to engage involuntarily in any sexual act by force,**
54 **threat of force, duress, or without that person's consent.**

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

58 3. A school district or charter school which provides human sexuality instruction may
59 separate students according to gender for instructional purposes.

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

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

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

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

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

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

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

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

79 (2) "Abortion services":

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

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

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

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