

FIRST REGULAR SESSION

HOUSE BILL NO. 860

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SAULS.

1089H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 197, RSMo, by adding thereto seven new sections relating to centers for the treatment of sexually deviant behaviors, with penalty provisions.

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

Section A. Chapter 197, RSMo, is amended by adding thereto seven new sections, to be known as sections 197.950, 197.955, 197.960, 197.965, 197.970, 197.975, and 197.980, to read as follows:

197.950. For purposes of sections 197.950 to 197.980, the following terms mean:

(1) "Center for the treatment of sexually deviant behaviors", a clinic, physician's office, or any other place or facility in which treatment of sexually deviant behaviors occurs;

(2) "Clinical social worker", a person licensed as a clinical social worker under chapter 337;

(3) "Department", the department of health and senior services;

(4) "Marital and family therapist", a person licensed as a marital and family therapist under chapter 337;

(5) "Physician", a person licensed as a physician under chapter 334;

(6) "Professional counselor", a person licensed as a professional counselor under chapter 337;

(7) "Psychiatric advanced practice registered nurse", the same meaning given to the term in section 632.005;

(8) "Psychologist", a person licensed and registered as a psychologist under chapter 337;

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.

17 **(9) "Sexually deviant behavior", any act from which sexual gratification is derived**
18 **that constitutes a criminal offense or that is designed to or substantially likely to inflict**
19 **humiliation or suffering;**

20 **(10) "Treatment of sexually deviant behaviors", a comprehensive set of planned**
21 **therapeutic interventions and experiences to prevent or reduce the occurrence of sexually**
22 **deviant behaviors that may include adjunct therapies to address the unique needs of the**
23 **individual but that often focuses on the situations, thoughts, feelings, and behavior that**
24 **have preceded and followed any past incidents of sexually deviant behavior and promotes**
25 **change in areas relevant to the risk of continued sexually deviant behaviors.**

197.955. A person or private entity shall not establish, conduct, or maintain a
2 **center for the treatment of sexually deviant behaviors in this state without a license issued**
3 **by the department under sections 197.950 to 197.980.**

197.960. 1. An application for a license as a center for the treatment of sexually
2 **deviant behaviors shall be made to the department upon forms provided by the department**
3 **and shall contain such information as the department may require. The department may**
4 **require affirmative evidence of ability to comply with such standards, rules, and**
5 **regulations as are lawfully prescribed under the provisions of sections 197.950 to 197.980.**

6 **2. Each application for a license and each application for renewal of the license**
7 **shall be accompanied by a license fee of two hundred dollars. All license fees shall be**
8 **deposited in the state treasury to the credit of general revenue.**

197.965. 1. Upon receipt of an application for a license, the department shall issue
2 **a license if the applicant and center for the treatment of sexually deviant behaviors meet**
3 **the requirements of sections 197.950 to 197.980 and have provided affirmative evidence**
4 **that the requirements of subsection 2 of this section will be met.**

5 **2. A licensed center for the treatment of sexually deviant behaviors shall ensure**
6 **that:**

7 **(1) At least one member of the staff shall be a physician, psychiatric advanced**
8 **practice registered nurse, psychologist, clinical social worker, professional counselor, or**
9 **marital and family therapist;**

10 **(2) Treatment of sexually deviant behaviors shall be provided only by physicians,**
11 **psychiatric advanced practice registered nurses, psychologists, clinical social workers,**
12 **professional counselors, or marital and family therapists;**

13 **(3) Treatment of sexually deviant behaviors shall involve techniques that have been**
14 **tested and proven by scientific research to be beneficial for persons who have engaged in**
15 **sexually deviant behaviors;**

16 **(4) Treatment of sexually deviant behaviors shall not involve any physical violence;**
17 **and**

18 **(5) Adequate records for each person treated shall be maintained.**

19 **3. A license shall be issued for a period of one year.**

20 **4. Upon receipt of an application for renewal of a license, the department shall**
21 **renew the license for a period of one year if the applicant and center for the treatment of**
22 **sexually deviant behaviors meet the requirements established under sections 197.950 to**
23 **197.980 as evidenced by an annual on-site inspection by the department.**

24 **5. Licenses shall be posted in a conspicuous place on the licensed premises.**

25 **6. Each license shall be issued only for the premises and persons or entity named**
26 **in the application and shall not be transferable or assignable except with the written**
27 **consent of the department.**

28 **7. If, during the period in which a license is in effect, the license holder or operator**
29 **legally transfers operational responsibilities by any process to another person or entity, an**
30 **application shall be made for the issuance of a new license to become effective on the**
31 **transfer date.**

197.970. 1. The department shall refuse to issue or shall suspend or revoke the
2 **license of any center for the treatment of sexually deviant behaviors for failure to comply**
3 **with any provision of sections 197.950 to 197.980 or with any rule or standard of the**
4 **department adopted under the provisions of sections 197.950 to 197.980 or for obtaining**
5 **the license by means of fraud, misrepresentation, or concealment of material facts.**

6 **2. Any center for the treatment of sexually deviant behaviors that has been refused**
7 **a license or license renewal or that has had its license revoked or suspended by the**
8 **department may seek a review of the department's action by the administrative hearing**
9 **commission.**

197.975. Any person who violates the provisions of sections 197.950 to 197.980 is
2 **guilty of a class A misdemeanor and, upon conviction, shall be punished as provided by**
3 **law.**

197.980. The department shall promulgate rules to implement the provisions of
2 **sections 197.950 to 197.980. Any rule or portion of a rule, as that term is defined in section**
3 **536.010, that is created under the authority delegated in this section shall become effective**
4 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
5 **applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of**
6 **the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
7 **the effective date, or to disapprove and annul a rule are subsequently held**

8 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
9 **after August 28, 2021, shall be invalid and void.**

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