

SECOND REGULAR SESSION

SENATE BILL NO. 982

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS BRAY, JUSTUS, DAYS, GREEN, SHOEMYER,
KEAVENY, WRIGHT-JONES AND WILSON.

Read 1st time February 22, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4714S.011

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof five new sections relating to increasing preventive health services in the state through the prevention first act.

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

Section A. Section 170.015, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 170.015, 191.648, 191.720, 338.012, and 338.014, to read as follows: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, **be based on peer reviewed projects that have been demonstrated to influence healthy behavior, be age appropriate,** 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] **as the only sure way to avoid pregnancy or sexually transmitted infection;**

(2) Stress that sexually transmitted [diseases] **infections** are serious, possible, health hazards of sexual activity. Pupils shall be provided with the latest medical information regarding exposure to human immunodeficiency virus

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **(HIV)**, acquired immune deficiency syndrome (AIDS), human papilloma virus,
18 hepatitis and other sexually transmitted diseases;

19 (3) Present students with the latest medically factual information
20 [regarding both the possible side effects and health benefits of all forms of
21 contraception, including the success and failure rates for the prevention of
22 pregnancy and sexually transmitted diseases; or shall present students with
23 information on contraceptives and pregnancy in a manner consistent with the
24 provisions of the federal abstinence education law, 42 U.S.C. Section 710] **about**
25 **the health benefits and side effects of all contraceptives and barrier**
26 **methods as a means to prevent pregnancy and to reduce the risk of**
27 **contracting sexually transmitted infections, HIV/AIDS and other**
28 **diseases;**

29 (4) [Include a discussion of the possible emotional and psychological
30 consequences of preadolescent and adolescent sexual activity and the
31 consequences of adolescent pregnancy, as well as the advantages of adoption,
32 including the adoption of special needs children, and the processes involved in
33 making an adoption plan] **Provide information about the vaccine for**
34 **human papilloma virus, which may prevent cervical cancer, genital**
35 **warts, infertility, and other reproductive health problems, when**
36 **administered prior to becoming sexually active;**

37 (5) **Encourage family communication between parents and**
38 **children about sexuality;**

39 (6) **Help young people gain knowledge about the physical,**
40 **biological, and hormonal changes of adolescence and subsequent states**
41 **of human maturation and the skills to make responsible decisions about**
42 **sexuality, including how alcohol and drug use can affect that decision**
43 **making;**

44 [(5)] (7) Teach skills of conflict management, personal responsibility and
45 positive self-esteem through discussion and role-playing at appropriate grade
46 levels to emphasize that the pupil has the power to control personal
47 behavior. Pupils shall be encouraged to base their actions on reasoning,
48 self-discipline, sense of responsibility, self-control, and ethical considerations,
49 such as respect for one's self and others. Pupils shall be taught not to make
50 unwanted physical and verbal sexual advances or otherwise exploit another
51 person. Pupils shall be taught to resist unwanted sexual advances and other
52 negative peer pressure;

53 [(6)] (8) Advise pupils of the laws pertaining to their financial
54 responsibility to children born in and out of wedlock and advise pupils of the
55 provisions of chapter 566, RSMo, pertaining to statutory rape;

56 **(9) Help pupils develop skills in critical thinking, problem
57 solving, decision making, and stress management in order to make
58 healthy decisions about sexuality and relationships;**

59 **(10) Teach pupils about the dangers of sexual predators,
60 including online predators when using electronic communication
61 methods such as the internet, cell phones, text messages, chat rooms,
62 email, and instant messaging programs. Pupils shall be taught how to
63 behave responsibly and remain safe on the internet and the importance
64 of having open communication with responsible adults and reporting
65 any inappropriate situation, activity, or abuse to a responsible adult,
66 and depending on intent and content, to local law enforcement, the FBI,
67 or the CyberTipLine;**

68 **(11) Teach pupils about the consequences, both personal and
69 legal, of inappropriate text messaging even among friends.**

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

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

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

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

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

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

86 6. A school district or charter school shall make all curriculum materials
87 **and names and affiliations of presenters** used in the district's or school's
88 human sexuality instruction available for public inspection pursuant to chapter

89 610, RSMo, prior to the use of such materials in actual instruction.

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

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

96 (1) "Abortion", the same meaning as such term is defined in section
97 188.015, RSMo;

98 (2) "Abortion services":

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

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

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

191.648. 1. As used in this section, "expedited partner therapy"
2 **means the practice of treating the sexual partners of persons with**
3 **chlamydia or gonorrhea without an intervening medical evaluation or**
4 **professional prevention counseling.**

5 **2. Any licensed physician may, but shall not be required to,**
6 **utilize expedited partner therapy for the management of the partners**
7 **of persons with chlamydia or gonorrhea. Notwithstanding the**
8 **requirements of 20 CSR 2150-5.020(5) or any other law to the contrary,**
9 **a licensed physician utilizing expedited partner therapy may prescribe**
10 **and dispense medications for the treatment of chlamydia or gonorrhea**
11 **for an individual who is the partner of a person with chlamydia or**
12 **gonorrhea and who does not have an established physician-patient**
13 **relationship with such physician. Any antibiotic medications**
14 **prescribed and dispensed for the treatment of chlamydia or gonorrhea**
15 **under this section shall be in pill form.**

16 **3. Any licensed physician utilizing expedited partner therapy for**
17 **the management of partners of persons with chlamydia or gonorrhea**
18 **under this section shall have immunity from any civil liability that may**
19 **otherwise result by reason of such actions, unless such physician acts**
20 **negligently, recklessly, in bad faith, or with malicious purpose.**

21 4. The department of health and senior services and the division
22 of professional registration within the department of insurance,
23 financial institutions and professional registration shall by rule
24 develop guidelines for the implementation of subsection 2 of this
25 section. Any rule or portion of a rule, as that term is defined in section
26 536.010, that is created under the authority delegated in this section
27 shall become effective only if it complies with and is subject to all of
28 the provisions of chapter 536, and, if applicable, section 536.028. This
29 section and chapter 536 are nonseverable and if any of the powers
30 vested with the general assembly pursuant to chapter 536, to review, to
31 delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking
33 authority and any rule proposed or adopted after August 28, 2010, shall
34 be invalid and void.

 191.720. 1. This section shall be known and may be cited as the
2 "Birth Control Protection Act".

3 2. The general assembly of this state finds that:

4 (1) Citizens of this state have a protectable interest in freedom
5 from unreasonable government intrusions into their private lives;

6 (2) This interest in freedom from unreasonable government
7 intrusions into the private lives of citizens encompasses and protects
8 the right of consenting individuals to obtain and use safe and effective
9 methods of contraception without interference by governmental
10 entities;

11 (3) It is the public policy of this state that the interest in
12 freedom from unreasonable government intrusions into the private
13 lives of citizens, and specifically the right of consenting individuals to
14 obtain and use safe and effective methods of contraception without
15 interference by governmental entities, shall be safeguarded and that
16 the laws of this state shall be interpreted and construed to recognize
17 and protect these rights.

18 3. Notwithstanding any other provisions of law, no governmental
19 actor or entity, whether state, county, municipal, or otherwise, within
20 the state of Missouri, shall:

21 (1) Be authorized to act in any fashion so as to deprive
22 consenting individuals of the right to obtain and use safe and effective
23 methods of contraception; or

24 **(2) Interfere with or discriminate against, in the regulation or**
25 **provision of benefits, facilities, services, or information, the right of**
26 **consenting individuals to obtain and use safe and effective methods of**
27 **contraception.**

28 **4. Nothing in this section shall be interpreted to prevent**
29 **implementation of laws, rules, ordinances, taxes, or regulations**
30 **affecting the method and manner of sale or distribution of**
31 **contraceptives, provided such laws, rules, ordinances, taxes, or**
32 **regulations are reasonably designed to promote public health and**
33 **safety, and do not have the effect of unreasonably hindering public**
34 **access to contraceptives.**

338.012. 1. Upon receipt of a valid and lawful prescription, a
2 **licensed pharmacy shall dispense any prescribed drug or device in**
3 **stock without delay, consistent with the normal time frame for filling**
4 **any other prescription.**

5 **2. Nothing herein shall prohibit a licensed pharmacy from**
6 **refusing to dispense a prescribed drug or device in accordance with**
7 **standard pharmacy practice if:**

8 **(1) There is a valid medical concern that such drug or device will**
9 **cause problems due to therapeutic duplications, drug-disease**
10 **contraindications, drug interactions, including serious interactions**
11 **with prescription or over-the-counter medications, incorrect dosage or**
12 **duration of drug treatment, drug-allergy interactions, drug abuse, or**
13 **drug misuse; or**

14 **(2) The customer is unable to pay for the drug or device.**

15 **3. When a customer requests a prescribed drug or device not in**
16 **stock, the pharmacy shall offer the customer the following options:**

17 **(1) The pharmacy shall obtain the drug or device under standard**
18 **procedures for expedited ordering of any prescription drug or device**
19 **not in stock and promptly notify the customer when the pharmacy**
20 **receives the drug or device; or**

21 **(2) The pharmacy shall locate a pharmacy of the customer's**
22 **choice or the closest pharmacy that has the drug or device in stock and**
23 **transfer the customer's prescription to that pharmacy under standard**
24 **procedures for transferring prescriptions.**

25 **The pharmacy shall perform the customer's chosen option in a timely**
26 **fashion and return the prescription order to the customer upon request**

27 at any time prior to dispensing.

28 4. Every licensed pharmacy shall ensure that it does not
29 intimidate, threaten, or harass its customers in the delivery of services.

338.014. 1. A licensed pharmacy shall fulfill all lawful requests
2 for contraception approved for over-the-counter use in a timely fashion.

3 2. Where a customer lawfully requests contraception approved
4 for over-the-counter use, and that drug is not in stock, the pharmacy
5 shall offer the customer the following options:

6 (1) The pharmacy will obtain the contraception under the
7 pharmacy's standard procedures for expedited ordering of over-the-
8 counter drugs not in stock and promptly notify the customer when the
9 pharmacy receives the contraception; or

10 (2) The pharmacy will locate a pharmacy of the customer's choice
11 or the closest pharmacy that has the contraception in stock and refer
12 the customer to that pharmacy. The pharmacy shall perform the
13 customer's chosen option in a timely fashion.

14 3. Every licensed pharmacy shall ensure that it does not
15 intimidate, threaten, or harass its customers in the delivery of services.

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