

SECOND REGULAR SESSION

SENATE BILL NO. 788

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 7, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4929S.011

AN ACT

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

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Section A. Section 170.015, RSMo, is repealed and one new section
2 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
2 sexuality and sexually transmitted diseases shall be medically and factually
3 accurate and shall:

4 (1) Present abstinence from sexual activity as the preferred choice of
5 behavior in relation to all sexual activity for unmarried pupils because it is the
6 only method that is one hundred percent effective in preventing pregnancy,
7 sexually transmitted diseases and the emotional trauma associated with
8 adolescent sexual activity, and advise students that teenage sexual activity places
9 them at a higher risk of dropping out of school because of the consequences of
10 sexually transmitted diseases and unplanned pregnancy;

11 (2) Stress that sexually transmitted diseases are serious, possible, health
12 hazards of sexual activity. Pupils shall be provided with the latest medical
13 information regarding exposure to human immunodeficiency virus, acquired
14 immune deficiency syndrome (AIDS), human papilloma virus, hepatitis and other
15 sexually transmitted diseases;

16 (3) Present students with the latest medically factual information
17 regarding both the possible side effects and health benefits of all forms of
18 contraception, including the success and failure rates for the prevention of
19 pregnancy and sexually transmitted diseases; or shall present students with

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

20 information on contraceptives and pregnancy in a manner consistent with the
21 provisions of the federal abstinence education law, 42 U.S.C. Section 710;

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

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

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

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

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

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

52 **(a) For the purposes of this subdivision, the term "consent" shall**
53 **mean a freely given agreement to the conduct at issue by a competent**
54 **person. An expression of lack of consent through words or conduct**
55 **means there is no consent. Lack of verbal or physical resistance or**

56 **submission resulting from the use of force, threat of force, or placing**
57 **another person in fear does not constitute consent. A current or**
58 **previous dating or social or sexual relationship by itself or the manner**
59 **of dress of the person involved with the accused in the conduct at issue**
60 **shall not constitute consent;**

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

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

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

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

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

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

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

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

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

89 7. No school district or charter school, or its personnel or agents, shall
90 provide abortion services, or permit a person or entity to offer, sponsor, or furnish
91 in any manner any course materials or instruction relating to human sexuality

92 or sexually transmitted diseases to its students if such person or entity is a
93 provider of abortion services.

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

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

97 (2) "Abortion services":

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

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

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

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