

# SENATE BILL NO. 948

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5621S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 431.061, RSMo, and to enact in lieu thereof three new sections relating to parental rights.

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

Section A. Section 431.061, RSMo, is repealed and three  
2 new sections enacted in lieu thereof, to be known as sections  
3 1.340, 1.341, and 431.061, to read as follows:

1.340. 1. A parent has a fundamental liberty and  
2 fundamental interest in the care, custody, and control of  
3 such parent's child, including the right to direct the  
4 upbringing, education, health care, and mental health of the  
5 child free from government interference.

6 2. A governmental authority shall not restrict the  
7 fundamental right of a parent to direct the upbringing,  
8 education, health care, and mental health of that parent's  
9 child, unless the governmental authority demonstrates that  
10 application of the restriction to the parent and the child  
11 is essential to further a compelling governmental interest  
12 and is the least restrictive means of furthering that  
13 compelling governmental interest.

14 3. As used in this section, "parent" means a natural  
15 parent, a parent by adoption, or an individual who been  
16 granted exclusive right and authority over the welfare of a  
17 child under state law.

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

18           4. As used in this section, "child" means any  
19 unemancipated person who has not attained the age of  
20 eighteen years.

21           5. This section applies to all state and local laws,  
22 resolutions, and ordinances and to the implementation of  
23 such laws, resolutions, and ordinances, whether statutory or  
24 otherwise, and whether adopted before or after August 28,  
25 2026.

26           6. Nothing in this section or section 1.341 shall be  
27 construed as allowing any person to cause physical injury to  
28 another person, to possess a weapon otherwise prohibited by  
29 law, to fail to provide monetary support for a child, or to  
30 fail to provide health care for a child suffering from a  
31 life-threatening condition.

          1.341. 1. All parental rights are exclusively  
2 reserved to a parent of a child without obstruction by or  
3 interference from this state, any political subdivision of  
4 this state, any other governmental entity, or any other  
5 institution, including without limitation, the following  
6 rights and responsibilities:

7           (1) To direct the education of the child, including  
8 the right to choose a public school, private school,  
9 parochial school, parish school, home school, or family-  
10 paced education school, and the right to make reasonable  
11 choices within public schools for the education of the child;

12           (2) To access and review all written and electronic  
13 educational records relating to the child that are  
14 controlled by or in the possession of a school;

15           (3) To direct the upbringing of the child;

16           (4) To direct the moral or religious training of the  
17 child;

18           (5) To make and consent in writing to all physical and  
19 mental health care decisions for the child;

20           (6) To access and review all health and medical  
21 records of the child;

22           (7) To consent in writing before a biometric scan of  
23 the child is made, shared, or stored;

24           (8) To consent in writing before any record of the  
25 child's blood or deoxyribonucleic acid (DNA) is created,  
26 stored, or shared, unless authorized pursuant to a court  
27 order;

28           (9) To consent in writing before any governmental  
29 authority makes a video or voice recording of the child,  
30 unless the video or voice recording is made during or as a  
31 part of:

32           (a) A court proceeding;

33           (b) A law enforcement investigation;

34           (c) A forensic interview in a criminal or department  
35 of social services investigation;

36           (d) The security or surveillance of buildings or  
37 grounds; or

38           (e) A photo identification card;

39           (10) To be notified promptly if any governmental  
40 authority suspects that abuse, neglect, or any criminal  
41 offense has been committed against the child, unless the  
42 governmental authority reasonably believes that notifying  
43 the parent is likely to endanger the life or physical safety  
44 of the child;

45           (11) To opt the child out of any personal analysis,  
46 evaluation, survey, or data collection by a school district  
47 that would capture data for inclusion in the statewide  
48 longitudinal student data system except what is necessary

49 and essential for establishing a student's educational  
50 record;

51 (12) The right to have the child excused from school  
52 attendance for religious purposes; and

53 (13) The right to participate in parent-teacher  
54 organizations and other school organizations that are  
55 sanctioned by the board of education of a school district.

56 2. Except for law enforcement personnel, a  
57 governmental authority shall not encourage or coerce a child  
58 to withhold information from the child's parent; nor shall a  
59 governmental authority withhold from a child's parent  
60 information that is relevant to the physical, emotional, or  
61 mental health of the child.

62 3. A parent who believes his or her rights have been  
63 violated under this section or section 1.340 may assert that  
64 violation as a claim or defense in a judicial or  
65 administrative proceeding, regardless of whether the  
66 government is a party to the proceeding, and obtain  
67 appropriate relief against the government, including  
68 declaratory relief, injunctive relief, compensatory damages,  
69 and reasonable attorney's fees and costs.

431.061. 1. In addition to such other persons as may  
2 be so authorized and empowered, any one of the following  
3 persons if otherwise competent to contract, is authorized  
4 and empowered to consent, either orally or otherwise, to any  
5 surgical, medical, or other treatment or procedures,  
6 including immunizations, not prohibited by law:

7 (1) Any adult eighteen years of age or older for  
8 himself;

9 (2) Any parent for his minor child in his legal  
10 custody;

11 (3) Any minor who has been lawfully married and any  
12 minor parent or legal custodian of a child for himself, his  
13 child and any child in his legal custody;

14 (4) Any minor for [himself] **herself** in case of[:

15 (a) Pregnancy, but excluding abortions;

16 (b) Venereal disease;

17 (c) Drug or substance abuse including those referred  
18 to in chapter 195] **pregnancy, but excluding abortions;**

19 (5) Any adult standing in loco parentis, whether  
20 serving formally or not, for his minor charge in case of  
21 emergency as defined in section 431.063;

22 (6) Any guardian of the person for his ward;

23 (7) Any relative caregiver of a minor child as  
24 provided for under section 431.058.

25 2. The provisions of sections 431.061 and 431.063  
26 shall be liberally construed, and all relationships set  
27 forth in subsection 1 of this section shall include the  
28 adoptive and step-relationship as well as the natural  
29 relationship and the relationship by the half blood as well  
30 as by the whole blood.

31 3. A consent by one person so authorized and empowered  
32 shall be sufficient notwithstanding that there are other  
33 persons so authorized and empowered or that such other  
34 persons shall refuse or decline to consent or shall protest  
35 against the proposed surgical, medical or other treatment or  
36 procedures.

37 4. Any person acting in good faith and not having been  
38 put on notice to the contrary shall be justified in relying  
39 on the representations of any person purporting to give such  
40 consent, including, but not limited to, his identity, his

41 age, his marital status, and his relationship to any other  
42 person for whom the consent is purportedly given.

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