

SECOND REGULAR SESSION

SENATE BILL NO. 948

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5621S.01I

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Section A. Section 431.061, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 1.340, 1.341, and 431.061, to read as follows:

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

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

3. **As used in this section, "parent" means a natural parent, a parent by adoption, or an individual who been granted exclusive right and authority over the welfare of a 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;

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

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

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

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

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

(a) A court proceeding;

(b) A law enforcement investigation;

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

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

(e) A photo identification card;

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

(11) To opt the child out of any personal analysis, evaluation, survey, or data collection by a school district that would capture data for inclusion in the statewide 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;

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;

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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