

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill Nos. 55, 23 & 25, Page 88, Section 167.790, Line 38,

2 by inserting after all of said line the following:

3 "170.015. 1. Any course materials and instruction
4 relating to human sexuality and sexually transmitted
5 diseases shall be medically and factually accurate and shall:

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

16 (2) Stress that sexually transmitted diseases are
17 serious, possible, health hazards of sexual activity.
18 Pupils shall be provided with the latest medical information
19 regarding exposure to human immunodeficiency virus, acquired
20 immune deficiency syndrome (AIDS), human papilloma virus,
21 hepatitis and other sexually transmitted diseases;

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

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

30 (4) Include a discussion of the possible emotional and
31 psychological consequences of preadolescent and adolescent
32 sexual activity and the consequences of adolescent
33 pregnancy, as well as the advantages of adoption, including
34 the adoption of special needs children, and the processes
35 involved in making an adoption plan;

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

47 (6) Advise pupils of the laws pertaining to their
48 financial responsibility to children born in and out of
49 wedlock and advise pupils of the provisions of chapter 566
50 pertaining to statutory rape;

51 (7) Teach pupils about the dangers of sexual
52 predators, including online predators when using electronic
53 communication methods such as the internet, cell phones,
54 text messages, chat rooms, email, and instant messaging
55 programs. Pupils shall be taught how to behave responsibly
56 and remain safe on the internet and the importance of having
57 open communication with responsible adults and reporting any
58 inappropriate situation, activity, or abuse to a responsible
59 adult, and depending on intent and content, to local law

60 enforcement, the Federal Bureau of Investigation, or the
61 National Center for Missing & Exploited Children's
62 CyberTipline;

63 (8) Teach pupils about the consequences, both personal
64 and legal, of inappropriate text messaging, even among
65 friends; and

66 (9) Teach pupils about sexual harassment, sexual
67 violence, and consent:

68 (a) For the purposes of this subdivision, the term
69 "consent" shall mean a freely given agreement to the conduct
70 at issue by a competent person. An expression of lack of
71 consent through words or conduct means there is no consent.
72 Lack of verbal or physical resistance or submission
73 resulting from the use of force, threat of force, or placing
74 another person in fear does not constitute consent. A
75 current or previous dating or social or sexual relationship
76 by itself or the manner of dress of the person involved with
77 the accused in the conduct at issue shall not constitute
78 consent;

79 (b) For the purposes of this subdivision, the term
80 "sexual harassment" shall mean uninvited and unwelcome
81 verbal or physical behavior of a sexual nature especially by
82 a person in authority toward a subordinate;

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

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

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

94 4. The board of a school district or charter school
95 shall determine the specific content of the district's or
96 school's instruction in human sexuality, in accordance with
97 subsections 1 to 3 of this section, and shall ensure that
98 all instruction in human sexuality is appropriate to the age
99 of the students receiving such instruction.

100 5. Before providing any course materials and
101 instruction relating to human sexuality and sexually
102 transmitted diseases to any student, regardless of the
103 course title or description, a school district or charter
104 school shall notify the parent or legal guardian of each
105 student enrolled in the district or school of[:

106 (1)] the basic content of the district's or school's
107 human sexuality and sexually transmitted diseases course
108 materials and instruction to be provided to the student[; and

109 (2) The parent's right to remove]. After receipt of
110 such basic content, the parent or legal guardian of each
111 student shall indicate in writing whether the parent or
112 legal guardian desires to allow the district or school to
113 include the student [from] in any part of the district's or
114 school's human sexuality and sexually transmitted diseases
115 course materials and instruction. No school shall provide
116 any course materials and instruction relating to human
117 sexuality and sexually transmitted diseases to a student
118 until the district or school has received such written
119 indication from the student's parent or legal guardian that
120 the student may receive such course materials and
121 instruction.

122 6. A school district or charter school shall make all
123 curriculum materials used in the district's or school's

124 human sexuality instruction available for public inspection
125 pursuant to chapter 610 prior to the use of such materials
126 in actual instruction.

127 7. No school district or charter school, or its
128 personnel or agents, shall provide abortion services, or
129 permit a person or entity to offer, sponsor, or furnish in
130 any manner any course materials or instruction relating to
131 human sexuality or sexually transmitted diseases to its
132 students if such person or entity is a provider of abortion
133 services, directly or indirectly.

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

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

137 (2) "Abortion services":

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

141 (b) Encouraging a patient to have an abortion or
142 referring a patient for an abortion[, which] that is not
143 necessary to save the life of the mother; or

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

147 9. (1) Any person or entity who violates the
148 provisions of this section shall be guilty of a class C
149 misdemeanor.

150 (2) In any legal proceeding related to a violation of
151 this section, no entity directly or indirectly receiving any
152 taxpayer funds shall provide any legal advice, counsel, or
153 representation to any person or entity that violates this
154 section.

155 (3) Any attendance center or school district found in
156 violation of this section shall be subject to a civil

157 penalty in the amount of ten thousand dollars, payable to
158 the services to victims fund established pursuant to section
159 595.100."; and

160 Further amend the title and enacting clause accordingly.