

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 134

AN ACT

To amend chapter 170, RSMo, by adding thereto two new sections relating to the discussion of certain topics by school personnel.

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

Section A. Chapter 170, RSMo, is amended by adding thereto two new sections, to be known as sections 170.385 and 170.386, to read as follows:

170.385. 1. This section shall be known and may be cited as the "Vulnerable Child Compassion and Protection Act".

2. No nurse, counselor, teacher, principal, contracted personnel, or other administrative official at a public or charter school shall encourage a student under the age of eighteen years old to adopt a gender identity or sexual orientation.

3. This section shall not apply to course components of a school's curriculum that have artistic or anthropological significance, or to materials used in science courses, including but not limited to materials used in biology, anatomy, physiology, and sexual education classes.

4. As used in this section, the following terms shall mean:

(1) "Gender identity", the preconceived notion of someone's psychological, behavioral, social, and cultural aspects of being a biological male or biological female. For the purposes of this section, a biological male shall be someone with the biological indicators of a male in the

context of reproductive potential or capacity, such as the presence of a Y chromosome, naturally occurring sex hormones, gonads, and nonambiguous external genitalia present at birth. A biological female shall be someone with the biological indicators of a female in the context of reproductive potential or capacity, such as the absence of a Y chromosome, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth;

(2) "Sexual orientation", one's actual or perceived emotional or physical attraction to, or romantic or physical relationships with, members of the same gender, members of a different gender, or members of any gender; or the lack of any emotional or physical attraction to, or romantic or physical relationships with, anyone.

170.386. 1. For the purposes of this section, the following terms shall mean:

(1) "Official identity", a student's registered gender or sex as confirmed by the student's parent when enrolling the student in a school;

(2) "Parent", the parent or legal guardian of a student;

(3) "Personal pronouns", pronouns used to refer to persons. Female personal pronouns are "she", "her", or "hers", and male personal pronouns are "he", "him", or "his";

(4) "School", any public elementary or secondary school or public charter school;

(5) "School official", any school official at a public or charter school, including nurses, counselors, teachers, principals, and other contracted personnel;

(6) "Student", any person who attends a public elementary or secondary school or public charter school.

2. If a student approaches a school official to express discomfort or confusion about the student's official identity, the school official shall notify the student's parent of the discussion within twenty-four hours.

3. If a student asks a school official to refer to the student using personal pronouns that are associated with a gender other than the student's official identity, the school official shall notify the student's parent of the discussion within twenty-four hours.

4. A school official shall not allow a student to use a name in class other than the name provided by the student's parent when registering the student without first obtaining permission from the student's parent.

5. A school official shall not encourage a student to wear or not wear any particular item of clothing without first obtaining their parent's permission, unless such clothing is necessary to enforce the school dress code; participate in school sports, clubs, or extracurricular activities; or to ensure a student's physical safety.

6. A school official shall not encourage a student to pursue gender reassignment therapy or any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including, but not limited to, genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.

7. Any public school employee who discloses a violation of this section by a school official shall be

protected from any manner of retaliation as set forth in section 105.055.

8. If a school district discovers that a teacher has knowingly violated any provision of this section, the school district shall file charges seeking to suspend or revoke the teacher's license to teach based upon charges of incompetence, immorality, or neglect of duty, pursuant to the provisions of section 168.071.

9. The attorney general may bring a civil action, including an action for injunctive relief, against a school district or school for any violation of this section. Such action shall be brought in the county where the violation occurred.

10. Any parent of a minor child may bring a civil action, including an action for injunctive relief or for damages, against the school district or public school in which their child is enrolled for any violation of this section which causes a harm to their child. Such action shall be brought in the county where the violation occurred. If the parent prevails, the court shall award to such parent court costs and reasonable attorney's fees and any other damages or remedy which in the judgment of the court shall be appropriate.