

FIRST REGULAR SESSION

SENATE BILL NO. 497

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0606S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to gender identity in schools.

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Section A. Section 170.015, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 170.015,
3 to read as follows:

170.015. 1. Any course materials and instruction
2 relating to human sexuality and sexually transmitted
3 diseases shall be medically and factually accurate and shall:
4 (1) Present abstinence from sexual activity as the
5 preferred choice of behavior in relation to all sexual
6 activity for unmarried pupils because it is the only method
7 that is one hundred percent effective in preventing
8 pregnancy, sexually transmitted diseases and the emotional
9 trauma associated with adolescent sexual activity, and
10 advise students that teenage sexual activity places them at
11 a higher risk of dropping out of school because of the
12 consequences of sexually transmitted diseases and unplanned
13 pregnancy;

14 (2) Stress that sexually transmitted diseases are
15 serious, possible, health hazards of sexual activity.
16 Pupils shall be provided with the latest medical information
17 regarding exposure to human immunodeficiency virus, acquired

18 immune deficiency syndrome (AIDS), human papilloma virus,
19 hepatitis and other sexually transmitted diseases;

20 (3) Present students with the latest medically factual
21 information regarding both the possible side effects and
22 health benefits of all forms of contraception, including the
23 success and failure rates for the prevention of pregnancy
24 and sexually transmitted diseases; or shall present students
25 with information on contraceptives and pregnancy in a manner
26 consistent with the provisions of the federal abstinence
27 education law, 42 U.S.C. Section 710;

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

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

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

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

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

64 (9) Teach pupils about sexual harassment, sexual
65 violence, and consent:

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

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

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

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

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

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

98 5. A school district or charter school shall notify
99 the parent or legal guardian of each student enrolled in the
100 district or school of:

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

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

107 6. A school district or charter school shall make all
108 curriculum materials used in the district's or school's
109 human sexuality instruction available for public inspection
110 pursuant to chapter 610 prior to the use of such materials
111 in actual instruction.

112 7. No school district or charter school, or its
113 personnel or agents, shall provide abortion services, or
114 permit a person or entity to offer, sponsor, or furnish in
115 any manner any course materials or instruction relating to
116 human sexuality or sexually transmitted diseases to its
117 students if such person or entity is a provider of abortion
118 services.

119 8. **No school district or charter school, or its**
120 **personnel or agents, shall provide course materials or**
121 **instruction to students on gender identity or gender**
122 **reassignment procedures.**

123 9. As used in this section, the following terms mean:

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

126 (2) "Abortion services":

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

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

133 (c) Developing or dispensing drugs, chemicals, or
134 devices intended to be used to induce an abortion which is
135 not necessary to save the life of the mother;

136 (3) **"Gender identity", the psychological, behavioral,**
137 **social, and cultural aspects of male or female identity,**
138 **with or without regard to the individual's biologic sex.**

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