

HB 2272 -- Prevention First Act

Sponsor: Wright-Jones (63)

This bill changes the laws regarding sexual education, abortions, and pregnancy prevention.

SEXUAL EDUCATION

The bill changes the requirements for any course materials relating to human sexuality to include information:

- (1) Based on peer reviewed projects that influence healthy behavior;
- (2) Showing abstinence from sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections;
- (3) Regarding the benefits and side effects of contraceptives;
- (4) Regarding the vaccine for human papillomavirus;
- (5) Encouraging communication about sexuality between parents and their children; and
- (6) Regarding the physical, biological, and hormonal changes of adolescence, the transitions in human maturity, and responsible decision-making regarding sexuality and drug and alcohol use.

The bill repeals the provision prohibiting school districts and charter schools from providing abortion services and abortion providers from furnishing human sexuality instruction and curriculum. Each school district must make all curriculum materials, names, and affiliations of presenters used in the school district available for public inspection.

COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

The bill establishes the Compassionate Assistance for Rape Emergencies (CARE) Act which requires hospitals and health care facilities providing emergency care to sexual assault victims to:

- (1) Provide each victim and the personnel treating the victim with medically and factually accurate information about emergency contraception and inform them that emergency contraception can be provided;
- (2) Immediately provide, if requested by the victim, a complete regimen of emergency contraception; and

(3) Follow the federal Department of Justice protocols on HIV/STD screening and prophylactic treatment.

The Department of Health and Senior Services is required to develop, prepare, and produce informational materials about emergency contraception to be distributed to hospitals and health care facilities. The department must respond to any complaints and complete compliance checks to determine whether hospitals and health care facilities are following the CARE Act requirements. If a hospital or a health care facility is not in compliance, the department will impose an administrative penalty of \$5,000 per woman who is denied information or emergency contraception and a \$5,000 penalty for every 30 days that a hospital or health care facility is not in compliance.

#### BIRTH CONTROL PROTECTION ACT

The Birth Control Protection Act is established and specifies that consenting individuals have a protected interest from unreasonable governmental intrusions into their private lives when obtaining and using safe and effective methods of contraception. Missouri's laws will be interpreted to recognize these protected rights and prohibits governmental actors or entities from interfering in a consenting individual's right to the benefits, facilities, services, or information concerning safe methods of contraception. No laws, rules, ordinances, taxes, or regulations that are implemented to promote public health and safety can unreasonably hinder the public's access to contraceptives.

#### WOMEN'S HEALTH SERVICES PROGRAM

Subject to appropriations, the Department of Health and Senior Services must implement a women's health services program by July 1, 2009. The program will have a \$5 million budget with the goal of reducing the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers as determined by the department.

#### DISPENSING PRESCRIPTIONS BY PHARMACIES

The bill requires licensed pharmacies to dispense a prescribed drug or device without delay and in a manner that is consistent with the normal time frame for filling any other prescription. If the prescribed drug or device is not in stock, the pharmacy must use standard ordering procedures to fulfill the prescription or locate another pharmacy of the customer's choice and transfer the customer's prescription. The pharmacy must carry out the customer's chosen option in a timely fashion. A pharmacy cannot intimidate, threaten, or harass its customers during the delivery

of services. Over-the-counter drugs must also be fulfilled in a timely fashion.

The provisions of the bill will expire six years after the effective date.