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**Disclaimer:** This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, *laws can change with each legislative session and laws are subject to interpretation. Therefore, it is advised that you verify and confirm all information posted on this website.*



## MISSOURI STATUTES AND LAWS

This profile provides an overview of sex education laws in Missouri including:

- I. [Sex-Ed Requirements Quick Chart](#)
- II. [Parental Rights Laws](#)
- III. [Sex Education Laws](#)
- IV. [Consent Laws](#)
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Missouri legislative session convened on 1/9/19 and adjourned on 5/17/19. The [Missouri Statutes](#) have been updated on the [Missouri Legislative website](#) for 2019.

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What should I know about [navigating sex ed terms?](#)

## I. SEX-ED REQUIREMENTS QUICK CHART

LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required		X		<a href="#">§161.855</a>
Sex education optional	X			<a href="#">§170.015</a>
<b>If/When Provided, Sexual Education Must/May:</b>				
Be medically accurate	X			<a href="#">§170.015.1</a> , <a href="#">§170.015.1(2,3)</a>
Be evidence based	X			<a href="#">§170.015.1</a>
Be age appropriate	X			<a href="#">§170.015.1(5)</a> , <a href="#">§170.015.4</a>
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*	X			<a href="#">§170.015.1(1)</a>
Include HIV/AIDS education	X			<a href="#">§170.015.1(2)</a>
Be LGBTQ inclusive			X	
Include safety against sexual abuse	X			<a href="#">§170.015(5-9)</a>
<b>Parental Role in Sexual Education:</b>				
Parental notification	X			<a href="#">§170.015.2,5</a>
Parental involvement			X	
“Parents Bill of Rights”	X			<a href="#">§161.850</a>
Opt-in			X	
Opt-out/withdraw	X			<a href="#">§170.015.5(2)</a>
Access to/review curriculum	X			<a href="#">§170.015.6</a>
Abortion		X		<a href="#">§170.015.7,8</a>
School based clinic		X		<a href="#">§170.015.7,8</a>
<p><b>*Warning:</b> While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, <a href="#">many CSE programs</a> only mention abstinence in passing; they do not establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS. See harmful elements of CSE <a href="#">here</a>.</p>				

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## II. PARENTAL RIGHTS LAWS

### What should I know about [parental rights laws](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Missouri Title XI](#).

**[§161.850](#). (enacted 2010) Publication to be produced, purpose, content — copy to be provided to parents — rulemaking authority.**

The department of elementary and secondary education shall develop and produce a publication entitled "**The Parents' Bill of Rights**" that shall be designed to inform parents of children with an individualized education program of their educational rights provided under federal and state law

**[§170.015](#) (effective 2015) Human sexuality and sexually transmitted diseases, instruction in, requirements — policies, school boards' duties — certain course materials on human sexuality prohibited, when.**

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

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

1. The basic content of the district's or school's human sexuality instruction to be provided to the student
2. The parent's right to **remove the student** from any part of the district's or school's human sexuality instruction.

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

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### III. SEX EDUCATION LAWS

#### What should I know about [sex education laws](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Missouri Title XI](#).

**[§170.015](#) (effective 2015) Human sexuality and sexually transmitted diseases, instruction in, requirements — policies, school boards' duties — certain course materials on human sexuality prohibited, when.**

1. Any course materials and instruction relating to human sexuality and sexually transmitted diseases shall **be medically** and **factually accurate** and shall:
  1. Present **abstinence** from sexual activity as the preferred choice of behavior in relation to all sexual activity for unmarried pupils because it is the only method that is one hundred percent effective in preventing pregnancy, sexually transmitted diseases and the emotional trauma associated with adolescent sexual activity, and advise students that teenage sexual activity places them at a higher risk of dropping out of school because of the consequences of sexually transmitted diseases and unplanned pregnancy;
  2. Stress that sexually transmitted diseases are serious, possible, health hazards of sexual activity. Pupils shall be provided with the **latest medical information** regarding exposure to **human immunodeficiency virus, acquired immune deficiency syndrome (AIDS)**, human papilloma virus, hepatitis and other sexually transmitted diseases;
  3. Present students with the latest **medically factual information** regarding both the possible side effects and health benefits of all forms of contraception, including the success and failure rates for the prevention of pregnancy and sexually transmitted diseases; or shall present students with information on contraceptives and pregnancy
  4. Include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual activity and the consequences of adolescent pregnancy, as well as the advantages of adoption, including the adoption of special needs children, and the processes involved in making an adoption plan;
  5. Teach skills of conflict management, personal responsibility and positive self-esteem through discussion and role-playing at **appropriate grade levels** to emphasize that the pupil has the power to control personal behavior. Pupils shall be encouraged to base their actions on reasoning, self-discipline, sense of responsibility, self-control, and ethical considerations, such as respect for one's self and others. Pupils shall be taught not to make unwanted physical and verbal sexual advances or otherwise exploit another person. Pupils shall be taught to resist **unwanted sexual advances** and other negative peer pressure;
  6. Advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock and advise pupils of the provisions of chapter 566 pertaining to statutory rape;
  7. Teach pupils about the dangers of sexual predators, including online predators when using electronic communication methods such as the internet, cell phones, text

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messages, chat rooms, email, and instant messaging programs. Pupils shall be taught how to behave responsibly and remain safe on the internet and the importance of having open communication with responsible adults and reporting any inappropriate situation, activity, or **abuse** to a responsible adult, and depending on intent and content, to local law enforcement, the Federal Bureau of Investigation, or the National Center for Missing & Exploited Children's CyberTipline; and

8. Teach pupils about the consequences, both personal and legal, of inappropriate text messaging, even among friends.
9. Teach pupils about sexual harassment, **sexual violence**, and consent:
  - (a) For the purposes of this subdivision, the term "consent" shall mean a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another person in fear does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent;
  - (b) For the purposes of this subdivision, the term "**sexual harassment**" shall mean uninvited and unwelcome verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate;
  - (c) For the purposes of this subdivision, the term "**sexual violence**" shall mean causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent

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

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

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

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

1. The basic content of the district's or school's human sexuality instruction to be provided to the student
2. The parent's right to remove the student from any part of the district's or school's human sexuality instruction.

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

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

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

- 1 . **"Abortion"**, the same meaning as such term is defined in section 188.015
- 2 . **"Abortion services"**:
  - a) Performing, inducing, or assisting in the performance or inducing of an abortion which is not necessary to save the life of the mother;
  - b) Encouraging a patient to have an abortion or referring a patient for an abortion, which is not necessary to save the life of the mother; or
  - c) Developing or dispensing drugs, chemicals, or devices intended to be used to induce an abortion which is not necessary to save the life of the mother.

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## IV. CONSENT LAWS

### What should I know about [consent laws](#)?

[Age of Majority](#) = Based on Missouri Code [§431-055](#), anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

[Age of Consent](#) = Based on Missouri Code [§566](#), the age when children can legally consent or agree to sex is 17.

**Warning!** Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**. It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

- **Without notifying or receiving consent from their parents**, minor children in Missouri may consent to:
  - [§431.061](#), [§431.062](#).. Surgical or medical treatment, pregnancy services (except for abortion), STI treatment.
  - [§191.656](#). HIV testing.
- **Parental consent** is required for Abortion services.
  - [§188.028](#)
- See “State Laws that address High-Impact HIV Prevention Efforts” at [cdc.gov](http://cdc.gov).

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## V. OBSCENITY LAWS

### What should I know about [obscenity laws](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Missouri Obscenity Laws](#)

Missouri recodified its criminal law based in part on the ALI-MPC in 1979.

#### **Mo. Ann. Stat. [§ 573.010](#) Definitions**

(6) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

(8) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;

(9) "Minor", any person less than eighteen years of age;

(10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola;

(14) "Pornographic for minors", any material or performance is pornographic for minors if the following apply:

(a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and

(b) The material or performance depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

(c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

Credits (L.1977, S.B. No. 60, p. 662, § 1, eff. Jan. 1, 1979. Amended by L.1985, H.B. Nos. 366, 248, 372 & 393, § B, eff. July 19, 1985; L.1987, H.B. Nos. 113, 501 & 668, § A, eff. July 15, 1987; L.1989, H.B. No. 225, § A; L.2000, S.B. Nos. 757 & 602, § A; L.2006, H.B. Nos. 1698, 1236, 995, 1362 & 1290, § A, eff. June 5, 2006.)

**Mo. Ann. Stat. [§ 573.040](#) Furnishing pornographic materials to minors — penalty. — 1.** A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he or she:

(1) Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is

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a minor or acting in reckless disregard of the likelihood that such person is a minor; or

(2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

(3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

2. It is not a defense to a prosecution for a violation of this section that the person being furnished the pornographic material is a peace officer masquerading as a minor.

3. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is a class A misdemeanor unless the person has been found guilty of an offense committed at a different time pursuant to this chapter, [chapter 566](#) or [chapter 568](#), in which case it is a class E felony.

Credits

(L.1977, S.B. No. 60, p. 662, § 1, eff. Jan. 1, 1979. Amended by L.1987, H.B. Nos. 113, 501 & 668, § A, eff. July 15, 1987; L.2000, S.B. Nos. 757 & 602, § A; L.2004, H.B. No. 1055, § A; L.2008, S.B. Nos. 714, 933, 899 & 758, § A; L.2009, H.B. No. 62, § A.)

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## VI. STATE DEPARTMENT OF EDUCATION POLICIES

### What should I know about [school policies](#)?

The following laws and guidelines apply to sex education and how it is taught according to [Missouri Department of Elementary and Secondary Education](#).

#### [Health and Physical Education](#)

Health education provides students with experiences and opportunities to acquire the knowledge, attitudes, and skills necessary to achieve health literacy.

“Health literacy is the ability to access, understand, appraise, apply and advocate for health information and services in order to maintain or enhance one's own health and the health of others.”  
– SHAPE America

Comprehensive school health education should address the National Health Education Standards and include curricula for students in pre-Kindergarden through grade 12 that incorporate a variety of topics such as the ones listed below:

- Alcohol, tobacco, vaping, opioids and other drug awareness
- Healthy eating and nutrition
- Social, emotional, and mental health
- Personal health and wellness
- Physical activity
- Safety and injury prevention
- **Sexual health**
- Violence prevention

[HEALTH EDUCATION GRADE-LEVEL EXPECTATIONS](#) includes:

#### **Grade 3**

- Define HIV/AIDS and recognize that HIV is transmitted through blood and other bodily fluids

#### **Grade 4**

- Describe how HIV affects the immune system

#### **Grade 5**

- List behaviors that could enhance HIV transmission (e.g., tattoo, piercing, sex, syringe use, pregnancy) and strategies to prevent infection

#### **Grade 6**

- Explain and discuss the relationship between HIV and AIDS

#### **Grade 7**

- Discuss sexual harassment issues and create a plan to address these issues
- Name and discuss common STIs (sexually transmitted infections)
- Describe the patterns of transmission, treatments, and prevention of sexually transmitted infections
- Compare and contrast signs and symptoms of HIV/AIDS
- Describe how to protect self and others from STI (sexually transmitted infections) and explain the role of abstinence for prevention

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## Grade 8

- Explain the patterns of transmission, treatment (past and present), and prevention of HIV/AIDS

## Grade 9-12

- Compare signs and symptoms of common sexually transmitted infections
- Explain how sexually transmitted infections can affect an individual's physical, social, mental/emotional, intellectual, professional, and economic wellbeing (e.g., HIV/AIDS sterility, Kaposi Sarcoma, pneumonia, PCP, stress, oral thrush, yeast infections)
- Analyze and evaluate how teen pregnancy and parenting can impact personal, family and societal perspectives (e.g., dropout, low self-esteem, abandonment, and economics)
- Evaluate the progression of reliability of various contraceptive methods from most reliable to least reliable (e.g., abstinence, barrier methods, oral methods, surgical methods, injectable methods, implants)

Compare [state laws](#) with [state department of education](#) policies for alignment.

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