



Monday *MONITOR*

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Contact: Michelle Trupiano – 573.424.8717 (cell)

REP. CYNTHIA DAVIS FILES ABORTION BAN – HB 990

On Monday, Rep. Cynthia Davis, together with 14 co-sponsors, filed **HB 990**, a bill that would ban all abortions except to save the woman's life. Even conservative South Dakota rejected a similar ban last November at the ballot box (by 56% to 44%) and has refused to take it back up in the legislature. Rep. Cynthia Davis is also responsible for bills that would make Abstinence Only the core sex ed curriculum in public schools, ban providers of medically and factually accurate information and materials from public schools, and require minors to seek parental or judicial consent for prescription birth control.

BIRTH CONTROL, NOT BANS: PREVENTION FIRST ACT FILED IN HOUSE – HB 1018

Recognizing that preventing unintended pregnancy is the ONLY safe way to reduce abortions in Missouri, 43 members of the House went on record in support of the 2007 Prevention First Act. Sponsored by Rep. Robin Wright Jones, the bill is co-sponsored by Reps. Chappelle-Nadal, Donnelly, Zimmerman, Hughes, Haywood, Jones (117), Lampe, Dougherty, Talboy, Baker (25), Page, Curls, Low (39), LeVota, Storch, Oxford, Johnson, Harris (23), Norr, Hoskins, Lowe (44), Zweifel, Bowman, Nasheed, Walton, Vogt, Young, McClanahan, Frame, Corcoran, Darrough, Bland, Holsman, Meiners, Daus, Wildberger, Komo, Burnett, Brown (50), George, El-Amin & Aull.

PHARMACY DENIAL BILLS HEARD IN SENATE AND HOUSE COMMITTEES

SB 285 (Crowell) and **HB 412** (Emery) were heard in Senate Judiciary and House Small Business committees this week. A substitute for SB285 was offered by the sponsor that places 'pharmacists' and 'pharmacy technicians' in a protected class of providers who may not be required to perform an abortion under 197.032. Still troubling is a reference to 'supplying an abortifacient' which some pharmacists are choosing to interpret as all hormonal contraception. 'Abortifacient' medication, as defined and approved by the FDA, is NOT available through a pharmacy.

Members of the House committee raised compelling concerns about HB412, particularly its inclusion of 'emergency contraception'. Rep. Funderburk (R-St. Charles), who is a co-sponsor of the abortion ban bill, raised strong objections to including 'contraception' in the same category as 'abortifacient'. As a 'pro-life freshman' Funderburk noted for the committee members that contraception and abortion are not the same thing. Rep. Sater, a pharmacist by profession and witness for the bill, confirmed the difference between contraception and abortion. As currently written, HB412, would allow any pharmacy to refuse to fill legal prescriptions for contraception.

DANGEROUS OMNIBUS ANTI-SEX ED/ANTI-CHOICE BILL HEADED FOR SENATE FLOOR

SCS SB 370, 375 & 432 was voted 'do pass' (4 to 3) Monday night in Senate Judiciary Committee and is 15th on the calendar. This dangerous bill includes two of the Governor's priority bills, plus burdensome regulations on abortion providers not justified for health or safety reasons, as well as a definition of 'medical emergency' with a troubling affirmative defense provision. This substitute *STILL* reduces sex education to medically, factually inaccurate abstinence only curricula, and continues to tout Alternatives to Abortion Services that explicitly prohibit family planning. The Governor **talks** about 'prevention' but his bills **deny** prevention services and information.

FEDERAL ABSTINENCE-ONLY PROGRAM GUIDELINES PROHIBIT FULL INFORMATION

HB716 and **SB432** both refer to "abstinence-only-until-marriage" guidelines developed by the federal government regarding federal funds for such programs. Rep. Cynthia Davis – sponsor of HB716, the Abstinence-Only/Sex Mis-Education bill which was voted 'Do Pass' (6 to 4) in committee this week – refuses to admit that the federal guidelines do not allow for full and factual information about contraception in sex education classes.

"Consider an example. Assume that a given public school system now conducts a one-year sex education class for 10th graders. During the course of the year, the class curriculum calls for presentation about birth control, including instruction in the use of various birth control devices. Now assume that the school officials decide that they would like to revise the course to include a six-week unit that exactly follows the definition of the abstinence education outlined in the new statute. Can state officials use abstinence education dollars to fund this unit of instruction even though other parts of the course teach birth control?

"We believe it would be illegal to fund this project under the abstinence education statute. ***The language clearly states that abstinence education is a program with the "exclusive purpose" of teaching the various principles outlined earlier. If this unit is part of a course that teaches use of birth control, then it violates the "exclusive purpose" criterion.***

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"At one point during the House-Senate conference in December of 1995, conferees were contemplating dropping the "exclusive purpose" language and thereby allowing programs that combine the abstinence message with advice about birth control, or perhaps actual distribution of birth control devices, to participate in the program. ***After extensive discussion, and with strong encouragement from Representative Jim Talent (R-MO), Republican conferees decided to retain the original language.***

[Excerpts from: *Abstinence Education Under Welfare Reform* (written by the two individuals who crafted the original Title V language and the A-H definition below; discusses why the program was created and the intended implementation)
<http://www.welfareacademy.org/conf/past/haskins2.shtml>

Repeatedly, the guidelines underscore that the only 'teaching' of contraception must emphasize failure rates that discourage its use. Acceptable curricula and course material, per the grant guidelines:

- "Must not promote or encourage the use of any type of contraceptives outside of marriage or refer to abstinence as a form of contraception.
- Teaches the published failure rates associated with contraceptives relative to pregnancy prevention.
- Does not promote or encourage the use or combining of any contraceptives in order to make sex "safer."
- Teaches the limitations of contraception to consistently prevent STDs."

[Excerpts from 06-07 grant guidelines: *DHHS Administration for Children & Families*]

Excerpts from 10.19.06 SIECUS Press Release: New GAO Finding Says HHS in Violation of the Law: Advises Requiring Abstinence-Only Programs to Provide Medically Accurate Information About Condoms

Yesterday the non-partisan United States Government Accountability Office (GAO) released a letter finding that the U.S. Department of Health and Human Services (HHS) is in violation of federal law by failing to enforce a requirement that federally funded grantees working to address the prevention of STDs, including abstinence-only-until-marriage programs, must provide medically accurate information about the effectiveness of condoms.

The GAO finding contradicts an earlier position set forth by HHS' Administration for Children and Families that abstinence-only-until-marriage programs are exempt from the requirement...

"We welcome the GAO's finding...", said William Smith, vice president for public policy at the Sexuality Information and Education Council of the United States (SIECUS). "For the better part of twenty-five years, abstinence-only-until-marriage programs have been permitted to use tax-payer dollars to lie about the effectiveness of condoms and the current Administration has, time and again, failed to hold these programs accountable for much of anything except cashing their grant checks," continued Smith.

HHS has prohibited abstinence-only-until-marriage programs from discussing the effectiveness of condoms. In fact, many programs funded with federal dollars deliberately undermine young people's faith in condoms by exaggerating condom failure rates.

"It is never acceptable for publicly funded health or education programs to lie to young people or ply them with half truths," Smith concluded.

The full GAO letter can be found at www.gao.gov/decisions/other/308128.pdf

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