

HB195 ENGROSSED



1 HB195
2 4J94I3R-2
3 By Representative DuBose
4 RFD: Education Policy
5 First Read: 20-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to sex education in public K-12 schools; to amend Section 16-40A-2, Code of Alabama 1975, to require sex education and human reproductive system curriculum and programs to teach sexual risk avoidance and encourage abstinence from sexual activity; to prohibit the promotion of abortions or any sexual activity in sex education or human reproductive systems curriculum; to prohibit demonstrations of contraceptives in sex education or in human reproductive systems curriculum; to authorize parents or guardians to opt their child out of sexual education or human reproductive system curriculum or programs; and to authorize the Attorney General to enforce.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-40A-2, Code of Alabama 1975, is amended to read as follows:

"§16-40A-2

(a) Any program or curriculum in the public schools in Alabama that includes sex education or the human reproductive process shall teach sexual risk avoidance content and, at a minimum, ~~include and emphasize~~ each of the following:



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29 (1) Abstinence from ~~sex~~ all sexual activity is the only
30 ~~completely 100 percent effective protection against way to~~
31 prevent unintended pregnancy, sexually transmitted diseases
32 and infections, and human immunodeficiency virus (HIV) when
33 transmitted sexually.

34 (2) Abstinence from ~~sex~~ all sexual activity outside of
35 marriage is the ~~expected social standard~~ best health practice
36 for unmarried school-age ~~persons~~ individuals.

37 (3) The advantages of avoiding sexual activity and the
38 potential physical and emotional negative outcomes associated
39 with youth and teen sexual activity.

40 (b) For the purposes of this section, sexual risk
41 avoidance refers to a primary prevention approach to sex
42 education that seeks to achieve the most favorable health
43 outcomes for all Alabama youth by providing information and
44 skills needed to achieve the benefits of avoiding sexual
45 activity.

46 (c) Course materials and instruction that relate to
47 sexual health education or sexually transmitted diseases and
48 infections shall be age-appropriate and medically accurate.
49 For purposes of this section, the term "age-appropriate" means
50 topics, messages, and teaching methods suitable to particular
51 ages or age groups of children and adolescents, based on
52 developing cognitive, emotional, and behavioral capacity
53 typical for the age or age group.

54 ~~(e)~~ (d) Course materials and instruction that relate to
55 sexual health education or sexually transmitted diseases and
56 infections, if available, shall include all of the following



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57 elements:

58 (1) An emphasis on sexual abstinence as the only
59 completely reliable method of avoiding unintended teenage
60 pregnancy and sexually transmitted diseases and infections.

61 (2) The emphasis shall be on the importance of delaying
62 sexual activity by and discouraging risky sexual behavior,
63 providing skills to avoid sexual risk, and developing
64 awareness among students of how sexual activity can impact the
65 whole person, including physical, social, emotional,
66 psychological, economic, and educational life outcomes.

67 (3) Statistics and data based on the latest accurate
68 medical information that indicate ~~the degree of reliability~~
69 ~~and unreliability~~ real life usage regarding the efficacy and
70 limitations of various forms of contraception among the youth
71 population, while also emphasizing the increase in protection
72 against pregnancy and protection against sexually transmitted
73 infections, including HIV infection, which is afforded by the
74 use of various contraceptive measures, provided that the
75 content: (i) is aligned with the exclusive message of sexual
76 risk avoidance; (ii) does not encourage or promote sexual
77 behavior among youth and teens; and (iii) is presented in the
78 context that while contraception may reduce the risk of
79 pregnancy and contracting sexually transmitted infections,
80 including HIV, it does not eliminate the risk.

81 (4) ~~Information~~ Accurate and current information
82 concerning the laws relating to all of the following:

83 a. The ~~the financial responsibilities~~ impact associated
84 with pregnancy, childbirth, and child rearing.



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85 b. Abortion, including medically accurate information
86 regarding the procedure and risks associated with the
87 procedure, and the abortion law in Alabama.

88 c. The process of domestic infant adoption, including
89 the availability of relevant resources.

90 d. The process for surrendering a newborn infant
91 pursuant to Chapter 25 of Title 26.

92 (5) Information concerning the laws prohibiting sexual
93 abuse, the need to report such abuse to a parent, guardian, or
94 law enforcement, and the legal options available to victims of
95 sexual abuse.

96 (6) Information on how to identify and avoid unhealthy
97 relationships, including factors predictive of physical,
98 emotional, or sexual abuse and exploitation, coercion, or
99 assault, and how to cope with and rebuff unwanted physical and
100 verbal sexual exploitation by other ~~persons~~ individuals.

101 (7) ~~Psychologically sound methods~~ Knowledge and skills
102 to ~~of resisting~~ resist unwanted peer pressure and avoid
103 cyberbullying, sexting, pornography, and online sexual
104 predators, and the potential legal implications of
105 participating in any of the preceding activities.

106 (8) Comprehensive instruction in all of the following:

107 a. Parenting ~~parenting~~ skills and responsibilities,
108 including the benefits of a child being raised by both
109 parents, the responsibility to pay child support by a
110 non-custodial parent or parents, the penalties for non-payment
111 of child support, and the legal and ethical responsibilities
112 of child care and child rearing.



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113 b. The impact of youth and teenage pregnancy on the
114 parent, child, and society.

115 c. The benefits of raising children within the context
116 of marriage.

117 d. The options for individuals experiencing unintended
118 pregnancy, the benefits of adoption for both the pregnant
119 youth or teenager and the child, and the associated challenges
120 of parenting, abortion, and adoption decisions.

121 e. Medically sound information relating to fetal growth
122 and development, maternal health, and infant health.

123 f. The educational and financial impact of youth and
124 teenage pregnancies.

125 ~~(d)~~ (e) Parents or guardians shall be given advanced,
126 written notification of the teaching of any sex education or
127 of the human reproductive process at least 14 days before the
128 content is taught to students. Upon the request of a parent or
129 guardian and prior to distribution to students, the school
130 shall make available to parents or guardians the sex education
131 curriculum in its entirety and provide each parent or guardian
132 with the opportunity to opt his or her child out from the
133 instruction, with no penalty to the student.

134 (f) Sex education and human reproductive curriculum,
135 advice, or content offered by a public K-12 school may not
136 include any of the following:

137 (1) Information that misrepresents the efficacy of
138 contraception use or demonstrates the use of contraceptive
139 materials.

140 (2) Information on how to obtain, or that provides a



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141 referral to, abortion services.

142 (3) Images, materials, or video footage that are
143 sexually explicit.

144 (g) Local boards of education may not use the services
145 of any individual or organization to assist in teaching about
146 sex education or the human reproductive system if that
147 individual or organization does not endorse sexual risk
148 avoidance as the primary means of sex education, or if the
149 individual or organization performs abortions, provides
150 referrals to abortion services, or provides funding, advocacy,
151 or other support for abortion.

152 (h) The Attorney General shall have the authority to
153 enforce the provisions of this section by obtaining injunctive
154 relief to require compliance with this section."

155 Section 2. This act shall become effective on October
156 1, 2024.



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House of Representatives

160 Read for the first time and referred20-Feb-24
161 to the House of Representatives
162 committee on Education Policy
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164 Read for the second time and placed21-Mar-24
165 on the calendar:
166 1 amendment
167
168 Read for the third time and passed30-Apr-24
169 as amended
170 Yeas 72
171 Nays 22
172 Abstain 6

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John Treadwell
Clerk