

HOUSE BILL No. 1366

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-30-5; IC 20-34-3-17.

Synopsis: Comprehensive sexual health education. Prohibits the state board of education from distributing human immunodeficiency virus literature to students without the consent of the governing body of the school corporation the students attend. Requires instruction in state accredited schools on human sexuality or sexually transmitted diseases to be based on information that is medically and scientifically accurate and age appropriate. Lists the criteria that instruction on human sexuality and sexually transmitted diseases must meet.

Effective: Upon passage; July 1, 2021.

Errington, Pfaff

January 14, 2021, read first time and referred to Committee on Education.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1366

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-30-5-12, AS AMENDED BY P.L.112-2020,
2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 12. (a) Each school corporation shall:
4 (1) include in the school corporation's curriculum instruction
5 concerning the human immunodeficiency virus (HIV); and
6 (2) integrate this effort to the extent possible with instruction on
7 other serious communicable diseases.
8 ~~(b) Literature that is distributed to school children and young adults~~
9 ~~under this section must include information required by IC 20-34-3-17.~~
10 **(b) The state board may not distribute HIV literature described**
11 **in subsection (a) to students without the consent of the governing**
12 **body of the school corporation that the students attend.**
13 (c) The department, in consultation with the state department of
14 health, shall develop HIV educational materials. The department shall
15 make the materials developed under this section available to school
16 corporations.
17 SECTION 2. IC 20-30-5-13, AS AMENDED BY P.L.92-2020,



1 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 13. (a) As used in this section, "age
3 appropriate" means suitable to a particular age or age group based
4 on developing cognitive, emotional, and behavioral capacity typical
5 for that age or age group.

6 (b) As used in this section, "appropriate instructor" means an
7 instructor with knowledge of the most recent medically accurate
8 research on human sexuality, pregnancy, and sexually transmitted
9 diseases.

10 (c) As used in this section, "comprehensive sexual health
11 education" means instruction on:

- 12 (1) human development;
- 13 (2) sexuality;
- 14 (3) reproduction;
- 15 (4) abstinence;
- 16 (5) anatomy;
- 17 (6) physiology;
- 18 (7) consent;
- 19 (8) all contraceptives and condoms approved by the federal
20 Food and Drug Administration;
- 21 (9) the prevention of pregnancy and sexually transmitted
22 diseases;
- 23 (10) healthy relationships; and
- 24 (11) healthy communication skills.

25 (d) As used in this section, "consent" refers to a free, voluntary,
26 knowing, and mutual agreement to engage in a specific sexual act
27 or contact. Consent can be withdrawn at any time. Any expression
28 of lack of consent by words, actions, or attitude means that consent
29 does not exist or has been withdrawn.

30 (e) As used in this section, "instructor" means an employee,
31 contractor, or consultant of the school corporation.

32 (f) As used in this section, "medically accurate" refers to
33 information that is supported by the weight of research conducted
34 in compliance with accepted scientific methods and recognized as
35 accurate and objective by the leading professional organizations
36 and agencies with expertise in relevant fields, including the Centers
37 for Disease Control and Prevention, the American Public Health
38 Association, American Academy of Pediatrics, and the American
39 College of Obstetricians and Gynecologists.

40 (g) ~~Throughout~~ If a state accredited school provides instruction
41 on human sexuality or sexually transmitted diseases, a the state
42 accredited school shall



- 1 (1) require a teacher to teach abstinence from sexual activity
 2 outside of marriage as the expected standard for all school age
 3 children;
- 4 (2) include in the instruction that abstinence from sexual activity
 5 is the only certain way to avoid out-of-wedlock pregnancy;
 6 sexually transmitted diseases; and other associated health
 7 problems; and
- 8 (3) include in the instruction that the best way to avoid sexually
 9 transmitted diseases and other associated health problems is to
 10 establish a mutually faithful monogamous relationship in the
 11 context of marriage: provide comprehensive sexual health
 12 education, using appropriate instructors.
- 13 **(h) Instruction and materials used in comprehensive sexual**
 14 **health education under this section shall satisfy all of the following**
 15 **criteria:**
- 16 **(1) Be age appropriate.**
- 17 **(2) Be scientifically and medically accurate and informed by**
 18 **scientific research and effective practices.**
- 19 **(3) Be appropriate for use with students of all races, genders,**
 20 **gender identities, sexual orientations, and ethnic and cultural**
 21 **backgrounds and for students with disabilities.**
- 22 **(4) Include the physiological and sociological developmental**
 23 **processes experienced by an individual.**
- 24 **(5) Understand the influence of family, peers, community, and**
 25 **the media throughout life on healthy sexual relationships.**
- 26 **(6) Encourage students to communicate with the students'**
 27 **parents and guardians, health care and social service**
 28 **professionals, and other trusted adults about human sexuality.**
- 29 **(7) Teach respect for marriage and committed relationships**
 30 **and encourage healthy relationships that are based on mutual**
 31 **respect and affection and are free from violence, coercion,**
 32 **and intimidation.**
- 33 **(8) Teach abstinence as the most effective means of avoiding**
 34 **sexually transmitted diseases and unintended pregnancy but**
 35 **not to the exclusion of instruction on other forms of**
 36 **contraception and disease prevention.**
- 37 **(9) Provide information about the effectiveness and safety,**
 38 **including the health benefits and side effects, of all**
 39 **contraceptives and condoms approved by the federal Food**
 40 **and Drug Administration in preventing pregnancy and**
 41 **reducing the risk of contracting sexually transmitted diseases.**
- 42 **(10) Provide students with skills in critical thinking, problem**



1 solving, decision making, and stress management in order to
2 make healthy decisions about sexuality and relationships.

3 (11) Be appropriate for students who choose to be abstinent
4 and for those who have been or are sexually active.

5 (12) Emphasize the necessity of consent as a requirement
6 before engaging in any sexual activity, including recognition
7 and withdrawal of consent.

8 (13) Emphasize recognizing and responding safely and
9 effectively when violence or a risk of violence is or may be
10 present with strategies that include bystander training.

11 (14) Be consistent with the National Sexuality Education
12 Standards, Core Content and Skills, K-12.

13 (i) Comprehensive sexual health education provided under this
14 section shall not include any instruction or materials that do either
15 of the following:

16 (1) Teach or promote religious doctrine.

17 (2) Reflect or promote bias or discrimination against any
18 person on the basis of race, color, ethnicity, religion, gender,
19 gender identity, familial status, sexual orientation, disability,
20 or national origin.

21 (j) Comprehensive sexual health education must be given at
22 least:

23 (1) one (1) time to students in grade 5;

24 (2) two (2) times in total during the period when students are
25 in grades 6 through 8; and

26 (3) two (2) times in total during the period when students are
27 in grades 9 through 12.

28 (k) A state accredited school subject to this section must provide
29 comprehensive sexual health education in accordance with section
30 17 of this chapter.

31 (l) Not later than November 1, 2023, and each November 1
32 thereafter, the department shall require school corporations to
33 annually report the curricula used to provide comprehensive
34 sexual health education. The department shall submit the results
35 to the chairperson of the house committee on education and the
36 chairperson of the senate committee on education and career
37 development in an electronic format under IC 5-14-6.

38 SECTION 3. IC 20-34-3-17 IS REPEALED [EFFECTIVE UPON
39 PASSAGE]. Sec. 17. (a) The state board shall provide information
40 stressing the moral aspects of abstinence from sexual activity in any
41 literature that it distributes to students and young adults concerning
42 available methods for the prevention of the human immunodeficiency



1 virus (HIV). The literature must state that the best way to prevent HIV
2 transmission as a result of sexual activity is for young people to refrain
3 from sexual activity until they are ready as adults to establish, in the
4 context of marriage, a mutually faithful monogamous relationship.

5 (b) The state board may not distribute HIV literature described in
6 subsection (a) to students without the consent of the governing body of
7 the school corporation the students attend.

8 **SECTION 4. An emergency is declared for this act.**

