

SENATE BILL NO. 413

INTRODUCED BY C. GLIMM

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE REQUIREMENTS FOR HUMAN SEXUALITY INSTRUCTION IN PUBLIC SCHOOLS; PROHIBITING SCHOOLS FROM PROVIDING HUMAN SEXUALITY INSTRUCTION TO STUDENTS IN GRADE 5 OR BELOW; PROHIBITING SCHOOLS FROM PROVIDING INSTRUCTION TO ANY STUDENT ABOUT GENDER IDENTITY, GENDER EXPRESSION, SEXUAL ORIENTATION, OR SEXUAL RELATIONSHIP; REVISING THE DEFINITION OF "HUMAN SEXUALITY INSTRUCTION"; AMENDING SECTION 20-7-120, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-7-120, MCA, is amended to read:

"20-7-120. ~~Excused Human sexuality instruction -- excused absences from curriculum requirements -- notice -- prohibited activities.~~ (1) (a) In recognition of parents' rights to direct the education of their own children, a school district may not provide human sexuality instruction to any child who is enrolled in grade 5 or below.

(b) A parent, guardian, or other person who is responsible for the care of a child enrolled in grades 6 through 12 may refuse to allow the child to attend or may withdraw the child from a course of instruction, a class period, an assembly, an organized school function, or instruction provided by the district through its staff or guests invited at the request of the district regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to 20-5-103.

(2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or assembly at which the district provides human sexuality instruction, whether introduced by school educators, administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing materials for instructional use.

(3) A school district shall annually notify the parent or guardian of each student scheduled to be

1 enrolled in human sexuality instruction in the district or school in advance of the instruction of:

2 (a) the basic content of the district's or school's human sexuality instruction intended to be taught  
3 to the student; and

4 (b) the parent's or guardian's right to withdraw the student from the district's or school's human  
5 sexuality instruction.

6 (4) A school district shall make all curriculum materials used in the district's or school's human  
7 sexuality instruction available for public inspection prior to the use of the materials in actual instruction.

8 (5) A school district or its personnel or agents may not permit a person, entity, or any affiliate or  
9 agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or instruction  
10 relating to human sexuality or sexually transmitted diseases to its students or personnel if the person, entity, or  
11 any affiliate or agent of the person or entity is a provider of abortion services.

12 (6) (a) For the purposes of this section, "human sexuality instruction" means teaching or otherwise  
13 providing information about human sexuality, including ~~intimate relationships,~~ human sexual anatomy, sexual  
14 reproduction, sexually transmitted infections, sexual acts, ~~sexual orientation, gender identity,~~ abstinence,  
15 contraception, or reproductive rights and responsibilities.

16 (b) The term does not include gender identity, gender expression, sexual orientation, or sexual  
17 relationships. A school is prohibited from implementing or maintaining a curriculum, providing materials, or  
18 holding an event or assembly for students that has the primary purpose of studying, exploring, or informing  
19 students about gender identity, gender expression, sexual orientation, or sexual relationships."

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21 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2023.

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