

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1538

By: Virgin and Dunnington

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to schools; amending 70 O.S. 2011,
10 Section 11-103.3, which relates to HIV and AIDS
11 education in schools; defining terms; requiring
12 certain information; requiring medically accurate
13 materials for training; providing specific training
14 curriculum; requiring current information for
15 training; and providing an effective date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-103.3, is
18 amended to read as follows:

19 Section 11-103.3 A. ~~Acquired immune deficiency syndrome (AIDS)~~

20 Definitions:

21 1. "Human Immunodeficiency Virus" or "HIV" is a human
22 retrovirus and the virus known to cause Acquired Immune Deficiency
23 Syndrome;

24 2. "Acquired Immune Deficiency Syndrome" or "AIDS" is the final
and most serious stage of HIV, causing severe damage to the immune

1 system and includes a great number of opportunistic infections which
2 normally result in death; and

3 3. "People living with HIV or AIDS" or "PLWHA" means people
4 currently afflicted with and living with HIV or AIDS.

5 B. HIV and AIDS prevention education shall be taught in the
6 public schools of this state. ~~AIDS prevention education shall be~~
7 ~~limited to the discussion of the disease AIDS and its spread and~~
8 ~~prevention.~~ Students shall receive such education:

9 1. ~~at~~ At the option of the local school district, a minimum of
10 once during the period from grade five through grade six;

11 2. ~~a~~ A minimum of once during the period from grade seven
12 through grade nine; and

13 3. ~~a~~ A minimum of once during the period from grade ten through
14 grade twelve.

15 ~~B.~~ C. The State Department of Education shall develop
16 ~~curriculum and materials~~ or provide medically accurate resources for
17 HIV and AIDS prevention education in conjunction with the State
18 Department of Health or the Centers for Disease Control and
19 Prevention. A school district may also develop its own HIV and AIDS
20 prevention education curriculum and materials. Any curriculum and
21 materials developed for use in the public schools shall be approved
22 by the State Department of Health for medical accuracy ~~by the State~~
23 ~~Department of Health~~ a minimum of once every two (2) years. A
24

1 school district may use any curriculum and materials ~~which~~ that have
2 been developed and approved pursuant to this subsection.

3 ~~C.~~ School districts shall make the curriculum and materials
4 that will be used to teach HIV and AIDS prevention education
5 available for inspection by the parents and guardians of the
6 students that will be involved with the curriculum and materials.
7 ~~Furthermore, the curriculum must be limited in time frame to deal~~
8 ~~only with factual medical information for AIDS prevention.~~ The
9 school districts, at least one (1) month prior to teaching HIV and
10 AIDS prevention education in any classroom, shall make available or
11 conduct for the parents and guardians of the students involved,
12 during weekend ~~and~~ or evening hours, at least one presentation
13 concerning the curriculum and materials that will be used for such
14 education. No student shall be required to participate in HIV and
15 AIDS prevention education if a parent or guardian of the student
16 objects in writing to such participation.

17 D. AIDS prevention education shall specifically teach students
18 that:

19 1. ~~engaging~~ Participating in ~~homosexual activity, promiscuous~~
20 high-risk sexual activity, ~~intravenous~~ injection drug use or contact
21 with contaminated blood products is now known to be ~~primarily~~
22 ~~responsible~~ the primary means for ~~contact with the AIDS virus~~ the
23 transmission and contraction of HIV;
24

1 2. ~~avoiding~~ Upon participating in an activity specified in
2 paragraph 1 of this subsection, a person should be regularly tested
3 for HIV so they may be linked to treatment as early as possible, as
4 an undetectable viral load greatly decreases the likelihood an
5 individual will transmit the virus to others;

6 3. Correctly using available prevention methods, including, but
7 not limited to, barrier and medicinal methods, greatly decreases a
8 person's likelihood of transmitting or contracting HIV;

9 4. Avoiding the activities specified in paragraph 1 of this
10 subsection and applying the prevention methods specified in
11 paragraphs 2 and 3 of this subsection is the only method of
12 preventing the spread of the virus, as well as any other methods
13 considered to be a safer sex practice, are the best means for
14 preventing the spread of HIV and AIDS;

15 ~~3.~~ 5. High-risk sexual intercourse behavior, with or without
16 condoms, with any person testing positive for human immunodeficiency
17 virus (HIV) antibodies, or any other person infected with HIV, a
18 PLWHA or a person who does not know their current HIV status places
19 that individual person in a high-risk category for developing AIDS
20 contracting HIV.

21 E. HIV and AIDS resources shall include current or updated
22 information on modes of transmission, prevention methods, virology
23 and statistics related to HIV, AIDS and PLWHA.

1 F. The program of HIV and AIDS prevention education shall teach
2 that abstinence from sexual activity is the only certain means for
3 the prevention of the spread or contraction of ~~the AIDS virus~~ HIV
4 through sexual contact. It shall also teach that artificial means
5 of birth control are not a certain means of preventing the spread of
6 ~~the AIDS virus~~ HIV and reliance on such methods puts a person at
7 risk for exposure to the disease.

8 ~~F.~~ G. The State Department of Health and the State Department
9 of Education shall update HIV and AIDS education curriculum material
10 as newly discovered medical facts make it necessary.

11 SECTION 2. This act shall become effective November 1, 2017.

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13 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/28/2017
14 - DO PASS, As Amended and Coauthored.

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