

HOUSE BILL 1293

By Hakeem

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to sex education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-1303, is amended by deleting subsection (b) and substituting instead the following:

(b)

(1) An LEA shall not utilize the services of an individual or organization to assist in teaching family life if that individual or organization endorses student nonabstinence as an appropriate or acceptable behavior, or if that individual or organization promotes gateway sexual activity.

(2) An individual or organization does not endorse student nonabstinence as an appropriate or acceptable behavior, or promote gateway sexual activity, in violation of this section or part if the individual or organization teaches students:

(A) The importance of effectively using contraceptives and barrier methods to prevent unintended pregnancy and sexually transmitted diseases, including human immunodeficiency virus; provided, that the instruction complies with the requirements of § 49-6-1304(b)(4);

(B) The age of consent; that an affirmative, conscious, and voluntary agreement to engage in a sexual activity is required for valid consent; and the legal consequences of engaging in a sexual activity with an individual without first obtaining the individual's valid consent;

(C) How sexual activity results in pregnancy; the effects of pregnancy; and that abortion is illegal in this state;

(D) How to communicate with a parent, guardian, or other trusted adult about sex or other risk behaviors; or

(E) How to develop the relationship and communication skills necessary to form healthy, respectful relationships free of violence, coercion, and intimidation and how to seek assistance if a person is in a violent, coercive, or intimidating relationship.

SECTION 2. Tennessee Code Annotated, Section 49-6-1302(c)(1), is amended by deleting the language "Prior to adopting a family life curriculum" and substituting instead the language "Before adopting or revising a family life curriculum".

SECTION 3. Tennessee Code Annotated, Section 49-6-1304, is amended by adding the following as a new subsection:

(c) If an individual or organization provides instruction as part of a family life curriculum that includes one (1) or more of the items listed in § 49-6-1303(b)(2), then:

(1) The individual or organization does not promote, implicitly or explicitly, any gateway sexual activity or health message that encourages students to experiment with noncoital sexual activity;

(2) The instructional materials used by the individual or organization to provide instruction of one (1) or more of the items listed in § 49-6-1303(b)(2) does not condone, encourage, or promote student sexual activity; and

(3) The instruction does not otherwise violate this section or part.

SECTION 4. Tennessee Code Annotated, Section 49-6-1306, is amended by adding the following as a new subsection:

(d) A teacher, instructor, school, LEA, or representative of an organization does not violate the requirements of this part by providing instruction as part of a family life curriculum that includes one (1) or more of the items listed in § 49-6-1303(b)(2). A

teacher, instructor, school, LEA, or representative of an organization that provides instruction of one (1) or more of the items listed in § 49-6-1303(b)(2) is not subject to any disciplinary action or cause of action for providing the instruction.

SECTION 5. This act takes effect July 1, 2023, the public welfare requiring it, and applies to the 2023-2024 school year and each school year thereafter.