



2023 ASSEMBLY BILL 1107

February 23, 2024 - Introduced by Representatives CONLEY, SUBECK, SHELTON, BALDEH, EMERSON, RATCLIFF, SINICKI, JACOBSON, OHNSTAD, PALMERI, STUBBS, CLANCY and J. ANDERSON, cosponsored by Senators AGARD, ROYS, SPREITZER, LARSON and SMITH. Referred to Committee on Health, Aging and Long-Term Care.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to repeal* 118.019 (2) (a) 10. and 118.019 (2) (a) 11.; *to renumber and*
2 *amend* 118.019 (1m) (b), 118.019 (2d) and 118.019 (3); *to amend* 115.29 (7),
3 118.019 (1m) (a), 118.019 (2) (a) 1. and 2., 118.019 (2) (a) 5., 118.019 (2) (c),
4 118.019 (2) (e), 118.019 (4), 118.019 (5) and 146.89 (3r) (e); *to repeal and*
5 *recreate* 118.019 (1), 118.019 (2) (intro.) and 118.019 (2m); and *to create*
6 118.019 (1m) (b) 1. and 3., 118.019 (2) (a) 3., 3m. and 4., 118.019 (2) (a) 6. and
7 118.019 (2r) of the statutes; **relating to:** human growth and development
8 instruction.

Analysis by the Legislative Reference Bureau

Under current law, a school board may offer an instructional program in human growth and development, and current law recommends, but does not require, that a school board include certain instructional topics in the instructional program. Under the bill, school boards must provide an instructional program in human growth and development (instructional program) in grades kindergarten to 12. The requirements for the mandatory instructional program are based on the requirements created in 2009 Wisconsin Act 134, known as the Healthy Youth Act, for optional instructional program provided by school boards.

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Under the bill, the instructional program must present medically accurate information to pupils and must, among other things, address the following topics when age-appropriate:

1. The importance of communication between the pupil and the pupil's family members about sexuality and decision-making about sexual behavior.
2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional changes that accompany maturation.
3. Puberty, pregnancy, parenting, body image, and gender stereotypes.
4. The skills needed to make responsible decisions about sexuality and sexual behavior throughout the pupil's life, including how to refrain from making inappropriate verbal, physical, and sexual advances and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical, and sexual behaviors.
5. The benefits of and reasons for abstaining from sexual activity.
6. The health benefits, side effects, and proper use of contraceptives and barrier methods to prevent pregnancy and sexually transmitted infections.
7. Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
8. How alcohol and drug use affect responsible decision making.
9. The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.
10. Marriage and parental responsibility.
11. The criminal penalties for engaging in sex.

Under current law, the state superintendent of public instruction may apply for federal funds allocated for providing instruction in any of the topics recommended under current law to be included in a human growth and development instructional program. The bill modifies that authority by authorizing the state superintendent to apply for federal funds allocated for evidence-based teen pregnancy prevention programs in order to implement such a program.

Finally, the bill allows a volunteer health care provider to provide instruction in human growth and development if the instructional program complies with the requirements above. Under current law, a "volunteer health care provider" is an individual who meets certain licensing requirements and who, while receiving no income, provides certain health care services free of charge to pupils from four-year-old kindergarten to grade six at a public school or private school participating in a parental choice program. Current law explicitly prohibits a volunteer health care provider from providing that instruction.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 115.29 (7) of the statutes is amended to read:

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1 115.29 (7) TEEN PREGNANCY PREVENTION. Apply for all federal funds allocated
2 for ~~providing instruction in any of the subjects identified in s. 118.019 to~~
3 evidence-based teen pregnancy prevention programs that have been proven through
4 rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce
5 teen pregnancy in order to implement such a program.

6 **SECTION 2.** 118.019 (1) of the statutes is repealed and recreated to read:

7 118.019 (1) PURPOSE. The purpose of this section is to ensure that all school
8 boards provide pupils in their districts with age-appropriate instruction in human
9 growth and development. The instruction should support and enhance
10 communication between pupils and their parents and provide pupils with the
11 knowledge, skills, and support necessary to make healthy decisions now and
12 throughout their lifetimes and to make responsible decisions about sexual behavior.

13 **SECTION 3.** 118.019 (1m) (a) of the statutes is amended to read:

14 118.019 (1m) (a) “Age-appropriate” means suitable to a particular age group
15 of pupils based on their the developing cognitive and emotional capacity of and
16 ~~consistent with adolescent development and community standards~~ behaviors typical
17 for the age group.

18 **SECTION 4.** 118.019 (1m) (b) of the statutes is renumbered 118.019 (1m) (b)
19 (intro.) and amended to read:

20 118.019 (1m) (b) (intro.) “Medically accurate information” means information
21 that is ~~scientifically-based and published, where~~ all of the following:

22 2. When appropriate, published in peer-reviewed journals and textbooks.

23 **SECTION 5.** 118.019 (1m) (b) 1. and 3. of the statutes are created to read:

24 118.019 (1m) (b) 1. Supported by the weight of research conducted in
25 compliance with accepted scientific methods.

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1 3. Recognized as accurate by relevant leading professional organizations or
2 agencies, such as the American Medical Association, the American Public Health
3 Association, or the American Academy of Pediatrics.

4 **SECTION 6.** 118.019 (2) (intro.) of the statutes is repealed and recreated to read:

5 118.019 (2) INSTRUCTIONAL PROGRAM. (intro.) A school board shall provide an
6 instructional program in human growth and development in grades kindergarten to
7 12. The school board shall develop the instructional program to include the subjects
8 under sub. (2r) and to do all of the following:

9 **SECTION 7.** 118.019 (2) (a) 1. and 2. of the statutes are amended to read:

10 118.019 (2) (a) 1. The importance of communication about sexuality and
11 decision-making about sexual behavior between the pupil and the pupil's parents or,
12 guardians, or other family members.

13 2. Reproductive and sexual anatomy and physiology, including biological,
14 psychosocial, and emotional, ~~and intellectual~~ changes that accompany maturation.

15 **SECTION 8.** 118.019 (2) (a) 3., 3m. and 4. of the statutes are created to read:

16 118.019 (2) (a) 3. Puberty, pregnancy, parenting, and body image.

17 3m. Gender, gender expression, gender identity, and the harm of negative
18 gender stereotypes.

19 4. The skills needed to make responsible decisions about sexuality and sexual
20 behavior throughout the pupil's life, including how to refrain from making
21 inappropriate verbal, physical, and sexual advances and how to recognize, rebuff,
22 and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

23 **SECTION 9.** 118.019 (2) (a) 5. of the statutes is amended to read:

24 118.019 (2) (a) 5. The benefits of and reasons for abstaining from sexual
25 activity. Instruction under this subdivision shall stress the value of abstinence as

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1 the ~~only~~ most reliable way to prevent pregnancy and sexually transmitted infections,
2 and shall identify the skills necessary to remain abstinent.

3 **SECTION 10.** 118.019 (2) (a) 6. of the statutes is created to read:

4 118.019 (2) (a) 6. The health benefits, side effects, and proper use of
5 contraceptives and barrier methods approved by the federal food and drug
6 administration to prevent pregnancy and barrier methods approved by the federal
7 food and drug administration to prevent sexually transmitted infections.

8 **SECTION 11.** 118.019 (2) (a) 10. of the statutes is repealed.

9 **SECTION 12.** 118.019 (2) (a) 11. of the statutes is repealed.

10 **SECTION 13.** 118.019 (2) (c) of the statutes is amended to read:

11 118.019 (2) (c) ~~Address Promote self-esteem and personal responsibility,~~
12 ~~positive interpersonal skills, and with an emphasis on healthy relationships,~~
13 ~~including friendships, marriage, and romantic and familial relationships.~~

14 **SECTION 14.** 118.019 (2) (e) of the statutes is amended to read:

15 118.019 (2) (e) ~~Address the positive connection between marriage and~~
16 ~~parenting parental responsibility.~~

17 **SECTION 15.** 118.019 (2d) of the statutes is renumbered 118.019 (2) (b) and
18 amended to read:

19 118.019 (2) (b) ~~An instructional program under this section shall use Use~~
20 ~~instructional methods and materials that, consistent with s. 118.13 (1), do not~~
21 ~~discriminate promote bias against a pupil based upon the pupil's race, gender,~~
22 ~~religion, sexual orientation, or ethnic or cultural background or against sexually~~
23 ~~active pupils or children with disabilities. Nothing in this subsection shall be~~
24 ~~construed to prohibit a school board from approving an instructional program under~~

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1 ~~this section that includes instruction on abstinence from sexual activity or that is~~
2 ~~abstinence-centered.~~

3 **SECTION 16.** 118.019 (2m) of the statutes is repealed and recreated to read:

4 118.019 **(2m)** INSTRUCTION; REQUIREMENTS. A school board shall ensure that
5 instruction provided under sub. (2) (a) does all of the following:

6 (a) Presents abstinence from sexual activity as the preferred choice of behavior
7 in relationship to all sexual activity for unmarried pupils.

8 (b) Emphasizes that abstinence from sexual activity before marriage is the
9 most effective way to prevent pregnancy and sexually transmitted diseases,
10 including human immunodeficiency virus and acquired immunodeficiency
11 syndrome.

12 **SECTION 17.** 118.019 (2r) of the statutes is created to read:

13 118.019 **(2r)** REQUIRED SUBJECTS; CRIME. A school board shall, when
14 age-appropriate, instruct pupils about all of the following:

15 (a) The criminal penalties for engaging in sexual activities involving a child
16 under ch. 948.

17 (b) The sex offender registration requirements under s. 301.45. Instruction
18 under this paragraph shall include who is required to report under s. 301.45, what
19 information must be reported, who has access to the information reported, and the
20 implications of being registered under s. 301.45.

21 **SECTION 18.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and
22 amended to read:

23 118.019 **(3)** DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. (intro.) Each
24 school board ~~that provides an instructional program in human growth and~~
25 ~~development~~ shall annually provide the parents or guardians of each pupil enrolled

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1 in the school district with an outline of the human growth and development
2 curriculum used in the pupil's grade level, and information regarding how the parent
3 or guardian may inspect the complete curriculum and instructional materials, ~~an~~
4 ~~explanation of the exemption under sub. (4), and a statement that pupils exempted~~
5 ~~from instruction under this section will still receive instruction in the subjects under~~
6 ~~s. 118.01 (2) (d) 2. c., unless exempted, and s. 118.01 (2) (d) 8.~~ The school board shall
7 make the complete human growth and development curriculum and all instructional
8 materials available for inspection by a parent or guardian upon his or her request
9 at any time, including prior to their use in the classroom.

10 **SECTION 19.** 118.019 (4) of the statutes is amended to read:

11 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
12 instruction in human growth and development or in the specific subjects under subs.
13 (2) and ~~(2m)~~ (2r) if the pupil's parent or guardian files with the teacher or school
14 principal a written request that the pupil be exempted.

15 **SECTION 20.** 118.019 (5) of the statutes is amended to read:

16 118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human
17 growth and development curriculum, the school board shall appoint an ad hoc
18 advisory committee whose role is to composed of parents, teachers, school
19 administrators, pupils, health care professionals, members of the clergy, and other
20 residents of the school district. The advisory committee shall develop the human
21 growth and development curriculum and advise the school board on the design,
22 review, and implementation of the human growth and development curriculum ~~and~~
23 ~~to review the curriculum.~~ Parents, teachers, school administrators, pupils, health
24 care professionals, members of the clergy, and other residents of the school district
25 shall comprise the committee. ~~No one category of member shall constitute more than~~

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1 ~~one-fifth of the membership of the committee, except that parents may comprise~~
2 ~~more than one-fifth of the membership of the committee. No more than one quarter~~
3 ~~of the members of the committee may be made up of employees of the school district~~
4 ~~or their spouses or members of the school board or their spouses. The advisory~~
5 ~~committee shall review the curriculum at least every 3 years.~~

6 **SECTION 21.** 146.89 (3r) (e) of the statutes is amended to read:

7 146.89 (3r) (e) Under this subsection, a volunteer health care provider may not
8 provide instruction in human growth and development ~~under~~ if the instructional
9 program is in compliance with requirements of s. 118.019.

10 **SECTION 22. Effective date.**

11 (1) This act takes effect on July 1, 2024.

12 (END)