

HB195 INTRODUCED



1 HB195
2 TTM4111-1
3 By Representative DuBose
4 RFD: Education Policy
5 First Read: 20-Feb-24



4 SYNOPSIS:

5 Under existing law, any program or curriculum in
6 a public K-12 school that includes sex education or the
7 human reproductive process must emphasize abstinence as
8 the only effective protection against unintended
9 pregnancy and sexually transmitted disease.

10 This bill would require that any sex education
11 or human reproductive curriculum or program in a public
12 K-12 school to exclusively teach sexual risk avoidance
13 and encourage the avoidance of any nonmarital sexual
14 activity.

15 This bill would further provide for the sex
16 education and human reproductive curriculum or program
17 in public K-12 schools, including the provision of
18 information about state laws relating to the financial
19 cost of pregnancy and child care, abortion, and
20 adoption.

21 This bill would prohibit any sex education or
22 human reproductive curriculum or program from
23 supporting, demonstrating, or providing a referral to
24 or information about how to acquire an abortion, from
25 demonstrating the use of or providing distribution
26 information regarding contraceptives, and from using
27 graphic materials that are sexually explicit, normalize
28 teenage sexual activity, or promote or encourage



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nonmarital sexual activity.

This bill would prohibit any local board of education from using the services of any individual or organization that endorses an approach to sex education that does not prioritize abstinence or that advocates for or performs abortions.

This bill would require each parent or guardian to be provided with notice before sex education or information about the human reproductive system is provided to students, and would provide each parent or guardian with the ability to opt his or her child out of the curriculum or program.

This bill would also allow the Attorney General to enforce the requirements of this bill and would provide the parent or guardian of each student the right to seek a cause of action against a local board of education, its agents, or its employees, to seek compliance with this bill.

A BILL

TO BE ENTITLED

AN ACT

Relating to sex education in public K-12 schools; to amend Section 16-40A-2, Code of Alabama 1975, to require sex education and human reproductive system curriculum and programs to exclusively teach sexual risk avoidance and



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encourage abstinence from all nonmarital sexual activity; to prohibit the promotion of abortions or any nonmarital sexual activity in sex education or human reproductive systems curriculum; to prohibit demonstrations of or information about how to obtain contraceptives in sex education or human reproductive systems curriculum; to authorize parents or guardians to opt their child out of sexual education or human reproductive system curriculum or programs; to authorize the Attorney General to enforce; and to provide a cause of action for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-40A-2, Code of Alabama 1975, is amended to read as follows:

"§16-40A-2

(a) Any program or curriculum in the public schools in Alabama that includes sex education or the human reproductive process shall exclusively and emphatically teach sexual risk avoidance content and, at a minimum, include and emphasize each of the following:

(1) Abstinence from ~~sex~~ all sexual activity is the only ~~completely 100 percent~~ effective ~~protection against~~ way to prevent unintended pregnancy, sexually transmitted diseases and infections, and human immunodeficiency virus (HIV) when transmitted sexually.

(2) Abstinence from ~~sex~~ all sexual activity outside of marriage, regardless of a student's current or past sexual experience, is the expected social standard for unmarried school-age ~~persons~~ individuals.



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(3) The advantages of avoiding nonmarital sexual activity and the potential physical and emotional negative outcomes associated with youth and teen sexual activity.

(b) For the purposes of this section, sexual risk avoidance refers to a primary prevention approach to sex education that seeks to achieve optimal health outcomes for all Alabama youth by providing information and skills needed to achieve the benefits of avoiding all non-marital sexual activity.

(c) Course materials and instruction that relate to sexual health education or sexually transmitted diseases and infections shall be age-appropriate and medically accurate. For purposes of this section, the term "age appropriate" means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

~~(e)~~ (d) Course materials and instruction that relate to sexual health education or sexually transmitted diseases and infections, ~~if available~~, shall include all of the following elements:

(1) An emphasis on sexual abstinence as the only completely reliable method of avoiding unintended teenage pregnancy and sexually transmitted diseases and infections.

(2) The emphasis shall be on the importance of delaying sexual activity by ~~and~~ discouraging risky sexual behavior, providing skills to avoid sexual risk, and developing awareness among students of how sexual activity can impact the



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whole person, including physical, social, emotional, psychological, economic, and educational life outcomes.

(3) Statistics and data based on the latest accurate medical information that indicate ~~the degree of reliability and unreliability~~ real life usage regarding the efficacy and limitations of various forms of contraception among the youth population, while also emphasizing the increase in protection against pregnancy and protection against sexually transmitted infections, including HIV infection, which is afforded by the use of various contraceptive measures, provided that the content: (i) is aligned with the exclusive message of sexual risk avoidance; (ii) does not normalize, encourage, or promote sexual behavior among youth and teens; (iii) is presented in the context that while contraception may reduce the risk of pregnancy and contracting sexually transmitted infections, including HIV, it does not eliminate the risk; and (iv) dispels any false sense of security about "safe sex."

(4) ~~Information~~ Accurate and current information concerning the laws relating to all of the following:

a. The ~~the financial responsibilities impact~~ associated with pregnancy, childbirth, and child rearing.

b. Abortion, including medically accurate information regarding the procedure and risks associated with the procedure, and abortion law in Alabama, including that except for limited exceptions, abortion is prohibited in Alabama.

c. The process of domestic infant adoption and placing a child with an adoptive family, including the availability of relevant resources.



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d. The process for surrendering a newborn infant pursuant to Chapter 25 of Title 26.

(5) Information concerning the laws prohibiting sexual abuse, the need to report such abuse to a parent, guardian, or law enforcement, and the legal options available to victims of sexual abuse.

(6) Information on how to identify and avoid unhealthy relationships, including factors predictive of physical, emotional, or sexual abuse and exploitation, coercion, or assault, and how to cope with and rebuff unwanted physical and verbal sexual exploitation by other ~~persons~~ individuals.

(7) ~~Psychologically sound methods~~ Knowledge and skills to-of-resisting resist unwanted peer pressure and avoid cyberbullying, sexting, pornography, and online sexual predators, and the potential legal implications of participating in any of the preceding activities.

(8) Comprehensive instruction in all of the following:
a. Parenting ~~parenting~~ skills and responsibilities, including the responsibility to pay child support by non-custodial parents, the penalties for non-payment of child support, and the legal and ethical responsibilities of child care and child rearing.

b. The lifelong impact of youth and teenage pregnancy on the parent, child, and society.

c. The benefits of raising children within the context of marriage.

d. The options for individuals experiencing unintended pregnancy, the benefits of adoption for both the pregnant



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youth or teenager and the child, and the associated challenges of parenting, abortion, and adoption decisions.

e. Medically sound information relating to fetal growth and development, maternal health, and infant health.

f. The educational and financial impact of youth and teenage pregnancies.

g. The advantage of a father's involvement in the life of his child.

~~(d)~~ (e) Parents or guardians shall be given advanced, written notification of the teaching of any sex education or of the human reproductive process at least 14 days before the content is taught to students. Upon the request of a parent or guardian and prior to distribution to students, the school shall make available to parents or guardians the sex education curriculum in its entirety and provide each parent or guardian with the opportunity to opt his or her child out from the instruction, with no penalty to the student.

(f) Sex education and human reproductive curriculum, advice, or content offered by a public K-12 school may not include any of the following:

(1) Information that misrepresents the efficacy of contraception use, demonstrates the use of contraceptive materials, or provides referrals to obtain a contraceptive, or any information about the distribution of a contraceptive.

(2) Information or advice that encourages the use of, instructs on how to obtain, or provides a referral to abortion services or the use of an abortifacient.

(3) Graphic images, materials, or video footage that



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are sexually explicit or normalize youth or teenage sexual activity of any kind.

(4) Information that explicitly or implicitly promotes any activity or message that encourages youth or teenagers to experiment with nonmarital sexual activity.

(g) Local boards of education may not use the services of any individual or organization to assist in teaching about sex education or the human reproductive system if that individual or organization endorses an approach to sex education that does not endorse sexual risk avoidance as the exclusive and unambiguous means of sex education, or if the individual or organization performs abortions, provides referrals to abortion services, or provides funding, advocacy, or other support for abortion.

(h) (1) The Attorney General shall have the authority to enforce the provisions of this section by obtaining injunctive relief to require compliance with this section.

(2) Notwithstanding Section 36-1-12, the parent or guardian of any student at a public K-12 school may bring a cause of action against any local board of education and any of its agents or employees, including, but not limited to, a superintendent, principal, assistant principal, teacher, or teacher's aide to seek compliance with this section in a court of competent jurisdiction. Available remedies include injunctive relief, attorney fees, and litigation expenses, including witness fees and court costs."

Section 2. This act shall become effective on October 1, 2024.