

**HEALTH EDUCATION AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: J. Stuart Adams**

House Sponsor: Keven J. Stratton

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to health instruction in public schools.

**Highlighted Provisions:**

This bill:

▸ repeals language prohibiting the advocacy of homosexuality in health instruction;

↪ [and]

▸ prohibits instruction that advocates premarital or extramarital sexual activity;

and ↩↪

▸ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-13-101**, as last amended by Laws of Utah 2016, Chapter 144

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-13-101** is amended to read:

**53A-13-101. Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.**

S.B. 196



28 (1) (a) The State Board of Education shall establish curriculum requirements under  
29 Section 53A-1-402, that include instruction in:

- 30 (i) community and personal health;
- 31 (ii) physiology;
- 32 (iii) personal hygiene; and
- 33 (iv) prevention of communicable disease.

34 (b) (i) That instruction shall stress:

- 35 (A) the importance of abstinence from all sexual activity before marriage and fidelity
- 36 after marriage as methods for preventing certain communicable diseases; and
- 37 (B) personal skills that encourage individual choice of abstinence and fidelity.

38 (ii) (A) At no time may instruction be provided, including responses to spontaneous  
39 questions raised by students, regarding any means or methods that facilitate or encourage the  
40 violation of any state or federal criminal law by a minor or an adult.

41 (B) Subsection (1)(b)(ii)(A) does not preclude an instructor from responding to a  
42 spontaneous question as long as the response is consistent with the provisions of this section.

43 (c) (i) The board shall recommend instructional materials for use in the curricula  
44 required under Subsection (1)(a) after considering evaluations of instructional materials by the  
45 State Instructional Materials Commission.

46 (ii) A local school board may choose to adopt:

- 47 (A) the instructional materials recommended under Subsection (1)(c)(i); or
- 48 (B) other instructional materials as provided in state board rule.

49 (iii) The state board rule made under Subsection (1)(c)(ii)(B) shall include, at a  
50 minimum:

51 (A) that the materials adopted by a local school board under Subsection (1)(c)(ii)(B)  
52 shall be based upon recommendations of the school district's Curriculum Materials Review  
53 Committee that comply with state law and state board rules emphasizing abstinence before  
54 marriage and fidelity after marriage, and prohibiting instruction in:

55 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

56 ~~§~~→ [f] ←~~§~~ (II) the advocacy of ~~§~~→ [homosexuality] premarital or extramarital sexual  
56a activity ←~~§~~ ; ~~§~~→ [f] or ←~~§~~

57 ~~§~~→ [f] ←~~§~~ (III) ~~§~~→ [~~h~~←~~h~~] ←~~§~~ the advocacy or encouragement of the use of contraceptive  
57a methods or

58 devices; ~~§~~→ [or] ←~~§~~

59           [(IV)] ~~§~~ → [(II)] ~~the advocacy of sexual activity outside of marriage;~~ ← §

60           (B) that the adoption of instructional materials shall take place in an open and regular  
61 meeting of the local school board for which prior notice is given to parents and guardians of  
62 students attending schools in the district and an opportunity for them to express their views and  
63 opinions on the materials at the meeting;

64           (C) provision for an appeal and review process of the local school board's decision; and

65           (D) provision for a report by the local school board to the State Board of Education of  
66 the action taken and the materials adopted by the local school board under Subsections

67 (1)(c)(ii)(B) and (1)(c)(iii).

68           (2) (a) Instruction in the courses described in Subsection (1) shall be consistent and  
69 systematic in grades eight through 12.

70           (b) At the request of the board, the Department of Health shall cooperate with the board  
71 in developing programs to provide instruction in those areas.

72           (3) (a) The board shall adopt rules that:

73           (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323  
74 are complied with; and

75           (ii) require a student's parent or legal guardian to be notified in advance and have an  
76 opportunity to review the information for which parental consent is required under Sections  
77 76-7-322 and 76-7-323.

78           (b) The board shall also provide procedures for disciplinary action for violation of  
79 Section 76-7-322 or 76-7-323.

80           (4) (a) In keeping with the requirements of Section 53A-13-109, and because school  
81 employees and volunteers serve as examples to their students, school employees or volunteers  
82 acting in their official capacities may not support or encourage criminal conduct by students,  
83 teachers, or volunteers.

84           (b) To ensure the effective performance of school personnel, the limitations described  
85 in Subsection (4)(a) also apply to school employees or volunteers acting outside of their official  
86 capacities if:

87           (i) they knew or should have known that their action could result in a material and  
88 substantial interference or disruption in the normal activities of the school; and

89           (ii) that action does result in a material and substantial interference or disruption in the