Nicholeen P. Peck proposes the following substitute bill:

Human Development Instruction

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Nicholeen P. Peck

Senate Sponsor: Brady Brammer

LONG TITLE

General Description:

This bill expands on a requirement to provide instruction in human development.

Highlighted Provisions:

This bill:

- expands on a requirement to provide instruction in human development to require an LEA to:
  - include a certain video during instruction on human development;
  - make instructional materials available to a student's parent upon request; and
  - make a certain assurance to the State Board of Education (state board);
- requires the state board to publish a list of materials; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53G-10-402, as last amended by Laws of Utah 2025, Chapter 380

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

Section 1. Section **53G-10-402** is amended to read:

53G-10-402 . Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.

(1) As used in this section:

(a) "LEA governing board" means a local school board or charter school governing

board.

(b) "Refusal skills" means instruction:

(i) in a student's ability to clearly and expressly refuse sexual advances by a minor or adult;

(ii) in a student's obligation to stop the student's sexual advances if refused by another individual;

(iii) informing a student of the student's right to report and seek counseling for unwanted sexual advances; and

(iv) informing a student that a student may not consent to criminally prohibited activities or activities for which the student is legally prohibited from giving consent, including the electronic transmission of sexually explicit images by an individual, regardless of whether the image is of the individual who transmits the image or of another individual.

(c) "Situational awareness" means instruction in a student's ability to:

(i) observe the student's environment, including:

(A) increasing awareness; and

(B) noticing details and changes in the environment; and

(ii) respond in unsafe situations, including how to seek help.

(d) "Success sequence" means a three-prong framework for youth and young adults that encourages:

(i) completing at least a high school education and pursuing further educational opportunities;

(ii) obtaining full-time employment; and

(iii) having children within a healthy and stable family and marriage.

(2)(a) In accordance with Section 53E-3-501, the state board shall establish health curriculum requirements:

(i) for the purpose of:

(A) equipping students with practical safety skills regarding sexual abuse, trafficking, and harassment;

(B) promoting respect for humankind and individual responsibility;

(C) fostering character development and decision- making through the success sequence; and

(D) encouraging healthy personal and family relationships; and

(ii) that include instruction in:

(A) the success sequence;

(B) community and personal health, including personal hygiene and the prevention of communicable disease;

(C) physiology;

(D) human development, in accordance with Subsection (2)(g);

(E) marriage and safe dating practices;

(F) refusal skills;

(G) resilience;

(H) situational awareness;

(I) the harmful effects of pornography; and

(J) the consequences of behaviors that pose a risk to individual health or of failure under the success sequence.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules that:

(i) ensure that instruction stresses the importance of abstinence from all sexual activity before marriage and fidelity after marriage as methods for:

(A) maintaining mental, physical, and social health, including reducing stress;

(B) eliminating risks associated with sexual activity, including preventing pregnancy and certain communicable diseases; and

(C) achieving the success sequence;

(ii) ensure that instruction stresses personal skills that encourage abstinence, the return to abstinence, and fidelity;

(iii) prohibit instruction or discussion, regardless of parental consent or intent to receive the prohibited instruction, in or regarding:

(A) the intricacies of sexual stimulation or erotic behavior;

(B) the advocacy of premarital or extramarital sexual activity;

(C) the advocacy or encouragement of the use of contraceptive methods or devices; and

(D) any means or methods that facilitate or encourage the violation of any state or federal criminal law by a minor or an adult, including as a response to a spontaneous question from a student; and

(iv) subject to Subsection (2)(c), allow instruction to include information about contraceptive methods or devices, not including abortion or any abortive methods, that stresses effectiveness, failure rates for youth, limitations, risks, and

information on state law applicable to minors obtaining contraceptive methods or devices.

(c)(i) As used in this Subsection (2), "contraceptive methods or devices" does not include abortion or any abortive methods.

(ii) Notwithstanding the allowance for instruction about contraceptive methods or devices in Subsection (2)(b):

(A) the state board may not require an LEA to teach or adopt instructional materials that include information on contraceptive methods or devices; and

(B) the instruction may not demonstrate or otherwise depict the use of a contraceptive method or device.

(d) The state board shall:

(i) recommend instructional materials for use in the curricula required under Subsection (2)(a); and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for an LEA governing board that adopts alternative instructional materials under Subsection (2)(e) to:

(A) require the LEA governing board to report on the materials the governing board selects and the governing board's compliance with Subsection (2)(e); and

(B) provide for an appeal and review process of the LEA governing board's adoption of instructional materials.

(e)(i) An LEA governing board may choose to adopt:

(A) the instructional materials recommended under Subsection (2)(d); or

(B) alternative instructional materials in accordance with Subsection (2)(e)(ii).

(ii) An LEA governing board that adopts instructional materials under Subsection (2)(e)(i) shall:

(A) ensure that the materials comply with state law and state board rules;

(B) base the adoption of the materials on the recommendations of the LEA governing board's Curriculum Materials Review Committee;

(C) adopt the instructional materials in an open and regular meeting of the LEA governing board for which parents of students who attend the respective schools receive prior notice; and

(D) give parents an opportunity to express the parents' views and opinions on the materials at the meeting described in Subsection (2)(e)(ii)(C).

(f) At the request of the state board, the Department of Health and Human Services shall

provide recommendations to the state board as the state board develops the curriculum, rules, or programs described in this Subsection (2).

(g)(i) Beginning with the 2027-2028 school year, each LEA shall ensure that the instruction on human development includes, at a minimum, a high-definition video of at least three minutes in duration that:

(A) shows the process of fertilization and each stage of human development inside the uterus, noting conceptual age and significant markers in cell growth and organ development for every stage of pregnancy until birth;

(B) may include a high-definition ultrasound showing the development of the brain, heart, sex organs, and other vital organs in early fetal development; and

(C) the state board approves from an organization that offers the video free of charge.

(ii) The state board shall publish a list of materials the state board approves for use in providing instruction under this Subsection (2)(g) on the state board's publicly accessible website.

(iii) Upon request, an LEA or school shall make available to the parent of a student enrolled in the LEA or school any instructional materials the LEA or school uses in accordance with this Subsection (2)(g).

(iv) Each LEA shall provide an annual assurance to the state board that the LEA is in compliance with this Subsection (2)(g).

(3) A student shall receive the instruction described in Subsection (2) on at least two occasions between the beginning of grade 7 and the end of grade 12.

(4)(a) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:

(i) provide for the compliance with the parental consent requirements of [~~Sections~~] Section 76-7-322; and

(ii) require advance notice to a student's parent that provides an opportunity to review the information for which parental consent is required under Sections 76-7-322 and 76-7-323.

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

(5)(a) In accordance with Section 53G-10-204 and Subsection (2)(b)(iii), and because school employees and volunteers serve as examples to students, school employees or volunteers acting in an official capacity may not support or encourage criminal

conduct by students, teachers, or volunteers.

(b) To ensure the effective performance of school personnel, the limitations described in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school employee's or volunteer's official capacity if:

(i) the employee or volunteer knew or should have known that the employee's or volunteer's action could result in a material and substantial interference or disruption in the normal activities of the school; and

(ii) the employee's or volunteer's action results in a material and substantial interference or disruption in the normal activities of the school.

(c) The state board or an LEA governing board may not allow training of school employees or volunteers that supports or encourages criminal conduct.

(d) The state board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules implementing this Subsection (5).

(e) Nothing in this section limits the ability or authority of the state board or an LEA governing board to enact and enforce rules or take actions that are otherwise lawful regarding an educator's, employee's, or volunteer's qualifications or behavior evidencing unfitness for duty.

(6) Except as provided in Section 53G-10-202, an individual may not teach or provide instruction on political, atheistic, sectarian, religious, or denominational doctrine in the public schools.

(7)(a) An LEA governing board and an LEA governing board's employees shall cooperate and share responsibility in carrying out the purposes of this chapter.

(b) An LEA governing board shall:

(i)(A) provide appropriate professional development for the LEA governing board's teachers, counselors, and school administrators to enable the teachers, counselors, and school administrators to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205; and

(B) distribute appropriate written materials on the values, character traits, and conduct described in Subsection (7)(b)(i) to each individual receiving the professional development; and

(ii) make the written materials described in Subsection (7)(b) available to education support professionals, students, and students' parents.

(c) To assist an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas described in Subsection (7)(b) to develop and disseminate model teacher professional development programs that an LEA governing board may use to train the individuals described in Subsection (7)(b) to effectively teach the values and qualities of character described in Subsection (7)(b).

(d) In accordance with Subsection (5)(c), professional development may not support or encourage criminal conduct.

(8) An LEA governing board shall review every two years:

(a) LEA governing board policies on instruction described in this section;

(b) for a local school board, data for each county in which the school district is located, or, for a charter school governing board, data for the county in which the charter school is located, on the following:

(i) teen pregnancy;

(ii) child sexual abuse; and

(iii) sexually transmitted diseases and sexually transmitted infections; and

(c) the number of pornography complaints or other instances reported within the jurisdiction of the LEA governing board.

(9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Section 2. **Effective Date.**

This bill takes effect on July 1, 2026.