

26 [53G-10-402](#), as renumbered and amended by Laws of Utah 2018, Chapter 3

27 [53G-10-403](#), as enacted by Laws of Utah 2018, Chapter 3

28

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

30 Section 1. Section [53G-10-402](#) is amended to read:

31 **[53G-10-402. Instruction in health -- Parental consent requirements -- Conduct](#)**
 32 **[and speech of school employees and volunteers -- Political and religious doctrine](#)**
 33 **[prohibited.](#)**

34 (1) As used in this section:

35 (a) "Board" means the State Board of Education.

36 (b) "Local school board" means:

37 (i) a local board of education elected in accordance with Section [53G-4-201](#); or

38 (ii) a charter school governing board, as defined in Section [53G-5-102](#).

39 (c) "Parent" means a parent or legal guardian.

40 (d) "Refusal skills" means instruction:

41 (i) in a student's ability to clearly and expressly refuse ~~H→~~ [unwanted] ~~←H~~ sexual
 41a advances by a
 42 minor or adult;

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

45 (iii) informing a student of the student's ~~H→~~ [options to] right to ~~←H~~ report and
 45a seek counseling for
 46 unwanted sexual advances;

47 (iv) in sexual harassment; and

48 (v) informing a student that a student may not consent to criminally prohibited
 49 activities or activities for which the student is legally prohibited from giving consent, including
 50 the electronic transmission of sexually explicit images by an individual of the individual or
 51 another.

52 ~~[(1)]~~ (2) (a) The ~~[State Board of Education]~~ board shall establish curriculum
 53 requirements under Section [53E-3-501](#) that include instruction in:

54 (i) community and personal health;

55 (ii) physiology;

56 (iii) personal hygiene; ~~[and]~~

88 students attending the respective schools [~~in the district~~] and an opportunity for [~~them~~] parents
 89 to express their views and opinions on the materials at the meeting;

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

91 (D) provision for a report by the local school board to the [~~State Board of Education~~]
 92 board of the action taken and the materials adopted by the local school board under Subsections
 93 [~~(1)~~] (2)(c)(ii)(B) and [~~(1)~~] (2)(c)(iii).

94 [~~(2)~~] (3) (a) [~~Instruction~~] A student shall receive instruction in the courses described in
 95 Subsection ~~H~~→ [~~(1)~~] (2) ←~~H~~ [~~shall be consistent and systematic in grades eight through~~] on
 95a at least two

96 occasions during the period that begins with the beginning of grade 8 and the end of grade 12.

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

99 [~~(3)~~] (4) (a) The board shall adopt rules that:

100 (i) provide that the parental consent requirements of Sections [76-7-322](#) and [76-7-323](#)
 101 are complied with; and

102 (ii) require a student's parent [~~or legal guardian~~] to be notified in advance and have an
 103 opportunity to review the information for which parental consent is required under Sections
 104 [76-7-322](#) and [76-7-323](#).

105 (b) The board shall also provide procedures for disciplinary action for violation of
 106 Section [76-7-322](#) or [76-7-323](#).

107 [~~(4)~~] (5) (a) In keeping with the requirements of Section [53G-10-204](#), and because
 108 school employees and volunteers serve as examples to their students, school employees or
 109 volunteers acting in their official capacities may not support or encourage criminal conduct by
 110 students, teachers, or volunteers.

111 (b) To ensure the effective performance of school personnel, the limitations described
 112 in Subsection [~~(4)~~] (5)(a) also apply to a school [~~employees or volunteers acting outside of~~
 113 ~~their~~] employee or volunteer acting outside of the school employee's or volunteer's official
 114 capacities if:

115 (i) [~~they~~] the employee or volunteer knew or should have known that [~~their~~] the
 116 employee's or volunteer's action could result in a material and substantial interference or
 117 disruption in the normal activities of the school; and

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

150 (e) In accordance with the provisions of Subsection [~~(4)~~] (5)(c), [~~inservice training~~]
 151 professional development may not support or encourage criminal conduct.

152 (8) A local school board shall review every two years:

153 (a) local school board policies on instruction described in this section;

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

157 (i) teen pregnancy;

158 (ii) child sexual abuse; and

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

160 (c) the number of pornography complaints or other instances reported within the
 161 jurisdiction of the local school board.

162 [~~(7)~~] (9) If any one or more provision, subsection, sentence, clause, phrase, or word of
 163 this section, or the application thereof to any person or circumstance, is found to be
 164 unconstitutional, the balance of this section shall be given effect without the invalid provision,
 165 subsection, sentence, clause, phrase, or word.

166 Section 2. Section **53G-10-403** is amended to read:

167 **53G-10-403. Required parental consent for ~~H~~→ [human sexuality]**
 167a **sex education ←~~H~~ instruction.**

168 (1) As used in this section:

168a **→~~S~~ (a) (i) "Harmful effects of pornography instruction" means instruction, a course,**
 168b **material, a unit, class, or lesson in the harmful effects of pornography. ←~~S~~**

168c **→~~S~~ (ii) "Harmful effects of pornography instruction" does not include instruction,**
 168d **materials, a lesson, or other information given in an assembly. ←~~S~~**

169 **→~~S~~ [~~(a)~~] (b) ←~~S~~ "Parent" means the same as that term is defined in Section [53G-10-205](#).**

170 [~~(a)~~] **→~~S~~ [~~(b)~~] (c) ←~~S~~ (i) "[~~Human sexuality~~] Sex education instruction" means any course**
 170a **material,**

171 **unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides**
 172 **instruction or information to a student about:**

173 (A) sexual abstinence;

174 (B) human sexuality;

175 (C) human reproduction;

176 (D) reproductive anatomy;

177 (E) physiology;

178 (F) pregnancy;

179 (G) marriage;

180 (H) childbirth;

181 (I) parenthood;

182 (J) contraception;

183 (K) HIV/AIDS; [or]

184 (L) sexually transmitted diseases[-]; ~~§~~ → or ← ~~§~~

185 (M) refusal skills, as defined in Section [53G-10-402](#) ~~§~~ → [i] . ← ~~§~~ ~~§~~ → [or

186 ~~(N) the harmful effects of pornography.] ← ~~§~~~~

187 (ii) "[~~Human sexuality~~] Sex education instruction" does not include child sexual abuse
188 prevention instruction described in Section [53G-9-207](#).

189 [~~(b) "Parent" means the same as that term is defined in Section [53G-10-205](#);~~

190 ~~§~~ → [(c)] (d) ← ~~§~~ "School" means the same as that term is defined in Section [53G-10-205](#).

191 (2) A school shall obtain prior written consent from a student's parent before the school
192 may provide [~~human sexuality~~] sex education instruction ~~§~~ → or **harmful effects of pornography**
192a **instruction** ← ~~§~~ to the student.

193 (3) If a student's parent chooses not to have the student participate in [~~human sexuality~~]
194 sex education instruction ~~§~~ → or **harmful effects of pornography instruction** ← ~~§~~ , a school shall:

195 (a) waive the requirement for the student to participate in the [~~human sexuality~~] sex
196 education instruction ~~§~~ → or **harmful effects of pornography instruction** ← ~~§~~ ; or

197 (b) provide the student with a reasonable alternative to the [~~human sexuality~~] sex
198 education instruction ~~§~~ → or **harmful effects of pornography instruction** ← ~~§~~ requirement.

199 (4) In cooperation with the student's teacher or school, a parent shall take responsibility
200 for the parent's student's [~~human sexuality~~] sex education instruction ~~§~~ → or **harmful effects of**
200a **pornography instruction** ← ~~§~~ if a school:

201 (a) waives the student's [~~human sexuality~~] sex education instruction ~~§~~ → or **harmful effects**
201a **of pornography instruction** ← ~~§~~ requirement in

202 Subsection (3)(a); or

203 (b) provides the student with a reasonable alternative to the [~~human sexuality~~] sex
204 education instruction ~~§~~ → or **harmful effects of pornography instruction** ← ~~§~~ requirement
204a described in Subsection (3)(b).

205 (5) A student's academic or citizenship performance may not be penalized if the
206 student's parent chooses not to have the student participate in [~~human sexuality~~] sex education
207 instruction ~~§~~ → or **harmful effects of pornography instruction** ← ~~§~~ as described in Subsection (3).