

**HEALTH EDUCATION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions regarding instruction in health.

**Highlighted Provisions:**

This bill:

▶ provides that health education instruction may include information about the medical characteristics, effectiveness, ~~H→~~ [and] ~~←H~~ limitations ~~H→~~ , and risks ~~←H~~ of contraceptive methods or devices;

- ▶ reorganizes provisions related to instruction in health;
- ▶ requires the State Board of Education to make administrative rules; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53G-10-402**, as last amended by Laws of Utah 2018, Chapter 224 and renumbered and amended by Laws of Utah 2018, Chapter 3

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



59 (vi) the harmful effects of pornography.

60 [~~(b)~~ (i) ~~That instruction shall stress:~~]

61 (b) The state board shall make rules ~~to~~ **for instruction** ~~that~~ that:

62 [~~(A)~~ (i) stress the importance of abstinence from all sexual activity before marriage  
63 and fidelity after marriage as methods for preventing certain communicable diseases; ~~and~~

64 [~~(B)~~ (ii) stress personal skills that encourage individual choice of abstinence and  
65 fidelity[-];

66 (iii) prohibit instruction in:

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

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

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

70 (iv) ~~to~~ **subject to Subsection (2)(g),** ~~to~~ allow instruction to include information about  
70a the medical characteristics ~~to~~ **[;] of contraceptive methods or devices such as** ~~to~~  
71 effectiveness, ~~and~~ limitations ~~to~~ **[of contraceptive methods or devices] , and risks** ~~to~~  
71a ; and

72 (v) for an LEA governing board that adopts instructional materials under Subsection  
73 (2)(e)(ii):

74 (A) require the LEA governing board to report on the materials selected and the LEA  
75 governing board's compliance with Subsection (2)(f); and

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

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

81 [~~(B)~~ (ii) Subsection [~~(2)(b)(ii)(A)~~ (2)(c)(i) does not preclude an instructor from  
82 responding to a spontaneous question as long as the response is consistent with the provisions  
83 of this section.

84 [~~(e)~~ (i) (d) The board shall recommend instructional materials for use in the curricula  
85 required under Subsection (2)(a) after considering evaluations of instructional materials by the  
86 State Instructional Materials Commission.

87 [~~(i)~~ (e) [~~A local school~~] An LEA governing board may choose to adopt:

88 [~~(A)~~ (i) the instructional materials recommended under Subsection [~~(2)(e)(i)~~ (2)(d);

89 or

90 ~~[(B)]~~ (ii) other instructional materials ~~[as provided in board rule]~~ in accordance with  
 91 Subsection (2)(f).

92 ~~[(iii) The board rule made under Subsection (2)(c)(ii)(B) shall include, at a minimum:]~~

93 ~~[(A) that the materials adopted by a local school board under Subsection (2)(c)(ii)(B)~~  
 94 ~~shall be based upon recommendations of the school district's or charter school's Curriculum~~  
 95 ~~Materials Review Committee that comply with state law and board rules emphasizing~~  
 96 ~~abstinence before marriage and fidelity after marriage, and prohibiting instruction in:]~~

97 ~~[(I) the intricacies of intercourse, sexual stimulation, or erotic behavior;]~~

98 ~~[(II) the advocacy of premarital or extramarital sexual activity; or]~~

99 ~~[(III) the advocacy or encouragement of the use of contraceptive methods or devices;]~~

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

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

103 (ii) base the adoption of the materials on the recommendations of the LEA governing  
 104 board's Curriculum Materials Review Committee; and

105 ~~[(B)]~~ (iii) ~~[that the adoption of]~~ adopt the instructional materials ~~[shall take place]~~ in an  
 106 open and regular meeting of the ~~[local school]~~ LEA governing board for which prior notice is  
 107 given to parents of students attending the respective schools and an opportunity for parents to  
 108 express their views and opinions on the materials at the meeting[;].

109 ~~[(C) provision for an appeal and review process of the local school board's decision;~~  
 110 ~~and]~~

111 ~~[(D) provision for a report by the local school board to the board of the action taken~~  
 112 ~~and the materials adopted by the local school board under Subsections (2)(c)(ii)(B) and~~  
 113 ~~(2)(c)(iii).]~~

113a **H→ (g) The state board may not require an LEA to teach or adopt instructional materials that**  
 113b **include information on contraceptive methods or devices. ←H**

114 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on  
 115 at least two occasions during the period that begins with the beginning of grade 8 and the end  
 116 of grade 12.

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

119 (4) (a) The board shall adopt rules that:

120 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323