

HB195 INTRODUCED



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



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SYNOPSIS:

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

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

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

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



HB195 INTRODUCED

29 nonmarital sexual activity.

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

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

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

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A BILL

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TO BE ENTITLED

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AN ACT

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



HB195 INTRODUCED

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

67 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

70 "§16-40A-2

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

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

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



HB195 INTRODUCED

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

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

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

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

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

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



HB195 INTRODUCED

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

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

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

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

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

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



HB195 INTRODUCED

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

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

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

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

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

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

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

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



HB195 INTRODUCED

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

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

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

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

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

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

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

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

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



HB195 INTRODUCED

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

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

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

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

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

223 Section 2. This act shall become effective on October
224 1, 2024.