

By: Representatives Bain, Arnold, Brown
(20th), Carpenter

To: Education; Public Health
and Human Services

HOUSE BILL NO. 432

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE INSTRUCTION ON ABORTION OR THE PROCESS OF HOW IT
3 IS PERFORMED AS AN ESTABLISHED COMPONENT OF EITHER SEX-RELATED
4 EDUCATION CURRICULUM ADOPTED BY LOCAL SCHOOL DISTRICTS; TO
5 PROHIBIT THE USE OF ANY MATERIAL, WHETHER WRITTEN, ELECTRONIC OR
6 AUDIO VISUAL IN ANY INSTRUCTION BY A LICENSED EMPLOYEE OF THE
7 SCHOOL DISTRICT OR ANY OTHER INDIVIDUAL OR ENTITY WITH WHOM THE
8 DISTRICT HAS ENTERED INTO A CONTRACT OR MEMORANDUM OF AGREEMENT;
9 TO REQUIRE THAT ANY DISCUSSION OF ABORTION MUST BE PRESENTED FROM
10 THE MEDICAL PERSPECTIVE OF THE POTENTIAL LONG-TERM AND SHORT-TERM
11 HAZARDS PRESENTED TO PATIENTS AS THE RESULT OF HAVING THE
12 PROCEDURE PERFORMED; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** Section 37-13-171, Mississippi Code of 1972, is
15 amended as follows:

16 37-13-171. (1) The local school board of every public
17 school district shall adopt a policy to implement abstinence-only
18 or abstinence-plus education into its curriculum by June 30, 2012,
19 which instruction in those subjects shall be implemented not later
20 than the start of the 2012-2013 school year or the local school
21 board shall adopt the program which has been developed by the
22 Mississippi Department of Human Services and the Mississippi
23 Department of Health. The State Department of Education shall



24 approve each district's curriculum for sex-related education and
25 shall establish a protocol to be used by districts to provide
26 continuity in teaching the approved curriculum in a manner that is
27 age, grade and developmentally appropriate.

28 (2) Abstinence-only education shall remain the state
29 standard for any sex-related education taught in the public
30 schools. For purposes of this section, abstinence-only education
31 includes any type of instruction or program which, at an
32 appropriate age and grade:

33 (a) Teaches the social, psychological and health gains
34 to be realized by abstaining from sexual activity, and the likely
35 negative psychological and physical effects of not abstaining;

36 (b) Teaches the harmful consequences to the child, the
37 child's parents and society that bearing children out of wedlock
38 is likely to produce, including the health, educational, financial
39 and other difficulties the child and his or her parents are likely
40 to face, as well as the inappropriateness of the social and
41 economic burden placed on others;

42 (c) Teaches that unwanted sexual advances are
43 irresponsible and teaches how to reject sexual advances and how
44 alcohol and drug use increases vulnerability to sexual advances;

45 (d) Teaches that abstinence from sexual activity before
46 marriage, and fidelity within marriage, is the only certain way to
47 avoid out-of-wedlock pregnancy, sexually transmitted diseases and
48 related health problems. The instruction or program may include a



49 discussion on condoms or contraceptives, but only if that
50 discussion includes a factual presentation of the risks and
51 failure rates of those contraceptives. In no case shall the
52 instruction or program include any demonstration of how condoms or
53 other contraceptives are applied;

54 (e) Teaches the current state law related to sexual
55 conduct, including forcible rape, statutory rape, paternity
56 establishment, child support and homosexual activity; and

57 (f) Teaches that a mutually faithful, monogamous
58 relationship in the context of marriage is the only appropriate
59 setting for sexual intercourse.

60 (3) A program or instruction on sex-related education need
61 not include every component listed in subsection (2) of this
62 section for abstinence-only education. However, no program or
63 instruction under an abstinence-only curriculum may include
64 anything that contradicts the excluded components. For purposes
65 of this section, abstinence-plus education includes every
66 component listed under subsection (2) of this section that is age
67 and grade appropriate, in addition to any other programmatic or
68 instructional component approved by the department, which shall
69 not include instruction and demonstrations on the application and
70 use of condoms. Abstinence-plus education may discuss other
71 contraceptives, the nature, causes and effects of sexually
72 transmitted diseases, or the prevention of sexually transmitted



73 diseases, including HIV/AIDS, along with a factual presentation of
74 the risks and failure rates.

75 (4) Any course containing sex-related education offered in
76 the public schools shall include instruction in either
77 abstinence-only or abstinence-plus education.

78 (5) Local school districts, in their discretion, may host
79 programs designed to teach parents how to discuss abstinence with
80 their children.

81 (6) There shall be no effort in either an abstinence-only or
82 an abstinence-plus curriculum to teach that abortion can be used
83 to prevent the birth of a baby. Any discussion of abortion must
84 be presented from the medical perspective of the potential
85 long-term and short-term hazards presented to patients as the
86 result of having the procedure performed.

87 (7) At all times when sex-related education is discussed or
88 taught, boys and girls shall be separated according to gender into
89 different classrooms, sex-related education instruction may not be
90 conducted when boys and girls are in the company of any students
91 of the opposite gender.

92 (8) This section shall stand repealed on July 1, 2016.

93 **SECTION 2.** This act shall take effect and be in force from
94 and after July 1, 2013.

