

By: Representative Scott

To: Public Health and Human Services

HOUSE BILL NO. 479

1 AN ACT TO CREATE THE "MISSISSIPPI COMPREHENSIVE TEEN  
2 PREGNANCY PREVENTION ACT"; TO REQUIRE THE DEPARTMENT OF HUMAN  
3 SERVICES AND THE DEPARTMENT OF HEALTH TO DEVELOP CERTAIN PROGRAMS  
4 AND STRATEGIES PROMOTING PREGNANCY PREVENTION AND PROVIDING  
5 INFORMATION ON THE CONSEQUENCES OF UNPROTECTED, UNINFORMED AND  
6 UNDERAGE SEXUAL ACTIVITY; TO AMEND SECTION 41-79-5, MISSISSIPPI  
7 CODE OF 1972, IN CONFORMITY WITH THE PROVISIONS OF THIS ACT; AND  
8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** This act may be cited as the "Mississippi  
11 Comprehensive Teen Pregnancy Prevention Act."

12 **SECTION 2.** (1) The Legislature recognizes the following:

13 (a) Each year, nearly seven hundred fifty thousand  
14 (750,000) American teens ages fifteen (15) through nineteen (19)  
15 become pregnant;

16 (b) An estimated four thousand eight hundred  
17 eighty-three (4,883) youth and young adults ages thirteen (13)  
18 through twenty-four (24) were diagnosed with HIV or AIDS in 2004,  
19 representing approximately thirteen percent (13%) of all  
20 individuals given a diagnosis during that year; and



21 (c) Recent estimates suggest that while persons ages  
22 fifteen (15) through twenty-four (24) represent one-fourth (1/4)  
23 of the sexually active population, they acquire nearly one-half  
24 (1/2) of all new sexually transmitted infections.

25 (2) The Legislature believes that society itself must take  
26 the necessary measures to provide intervention to correct the  
27 problems with children and teens and reverse the failures caused  
28 by a lack of adequate health awareness, which leads to  
29 disproportionate rates of teenage pregnancy and sexually  
30 transmitted infections. The Legislature further believes that the  
31 development and implementation of a comprehensive plan that will  
32 educate our children and teens on the dire consequences of  
33 unprotected, uninformed and underage sexual activity must be  
34 provided to communities and families dealing with the pervasive  
35 issues and problems that are indicative of teenage pregnancy and  
36 sexually transmitted infections.

37 **SECTION 3.** The Mississippi Department of Human Services  
38 shall develop programs to accomplish the purpose of one or more of  
39 the following strategies:

40 (a) Promoting effective communication among families  
41 about preventing teen pregnancy, particularly communication among  
42 parents or guardians and their children;

43 (b) Educating community members about the consequences  
44 of unprotected, uninformed and underage sexual activity and teen  
45 pregnancy;



46 (c) Encouraging young people to postpone sexual  
47 activity and prepare for a healthy, successful adulthood,  
48 including teaching them skills to avoid making or receiving  
49 unwanted verbal, physical, and sexual advances;

50 (d) Providing medically accurate information about the  
51 health benefits and side effects of all contraceptives and barrier  
52 methods as a means to prevent pregnancy and reduce the risk of  
53 contracting sexually transmitted infections, including HIV/AIDS;  
54 or

55 (e) Providing educational information, including  
56 medically accurate information about the health benefits and side  
57 effects of all contraceptives and barrier methods, for young  
58 people in those communities who are already sexually active or are  
59 at risk of becoming sexually active and inform young people in  
60 those communities about the responsibilities and consequences of  
61 being a parent, and how early pregnancy and parenthood can  
62 interfere with educational and other goals.

63 **SECTION 4.** (1) The State Department of Health shall develop  
64 programs with the following strategies:

65 (a) To carry out activities, including counseling, to  
66 prevent unintended pregnancy and sexually transmitted infections,  
67 including HIV/AIDS, among teens;

68 (b) To provide necessary social and cultural support  
69 services regarding teen pregnancy;



70 (c) To provide health and educational services related  
71 to the prevention of unintended pregnancy and sexually transmitted  
72 infections, including HIV/AIDS, among teens;

73 (d) To promote better health and educational outcomes  
74 among pregnant teens; and

75 (e) To provide training for individuals who plan to  
76 work in school-based support programs regarding the prevention of  
77 unintended pregnancy and sexually transmitted infections,  
78 including HIV/AIDS, among teens.

79 (2) It shall be the responsibility of school nurses employed  
80 by local school districts implementing the program developed by  
81 the State Department of Health under subsection (1) of this  
82 section to carry out the functions of those strategies to promote  
83 consistency in the administration of the program.

84 **SECTION 5.** Section 41-79-5, Mississippi Code of 1972, is  
85 amended as follows:

86 41-79-5. (1) There is \* \* \* established within the State  
87 Department of Health a school nurse intervention program,  
88 available to all public school districts in the state.

89 (2) By the school year 1998-1999, each public school  
90 district shall have employed a school nurse, to be known as a  
91 Health Service Coordinator, pursuant to the school nurse  
92 intervention program prescribed under this section. The school  
93 nurse intervention program shall offer any of the following  
94 specific preventive services, and other additional services



95 appropriate to each grade level and the age and maturity of the  
96 pupils:

97 (a) Reproductive health education and referral to  
98 prevent teen pregnancy and sexually transmitted diseases, which  
99 education shall include abstinence;

100 (b) Child abuse and neglect identification;

101 (c) Hearing and vision screening to detect problems  
102 which can lead to serious sensory losses and behavioral and  
103 academic problems;

104 (d) Alcohol, tobacco and drug abuse education to reduce  
105 abuse of these substances;

106 (e) Scoliosis screening to detect this condition so  
107 that costly and painful surgery and lifelong disability can be  
108 prevented;

109 (f) Coordination of services for handicapped children  
110 to ensure that these children receive appropriate medical  
111 assistance and are able to remain in public school;

112 (g) Nutrition education and counseling to prevent  
113 obesity and/or other eating disorders which may lead to  
114 life-threatening conditions, for example, hypertension;

115 (h) Early detection and treatment of head lice to  
116 prevent the spread of the parasite and to reduce absenteeism;

117 (i) Emergency treatment of injury and illness to  
118 include controlling bleeding, managing fractures, bruises or  
119 contusions and cardiopulmonary resuscitation (CPR);



120 (j) Applying appropriate theory as the basis for  
121 decision making in nursing practice;

122 (k) Establishing and maintaining a comprehensive school  
123 health program;

124 (l) Developing individualized health plans;

125 (m) Assessing, planning, implementing and evaluating  
126 programs and other school health activities, in collaboration with  
127 other professionals;

128 (n) Providing health education to assist students,  
129 families and groups to achieve optimal levels of wellness;

130 (o) Participating in peer review and other means of  
131 evaluation to assure quality of nursing care provided for students  
132 and assuming responsibility for continuing education and  
133 professional development for self while contributing to the  
134 professional growth of others;

135 (p) Participating with other key members of the  
136 community responsible for assessing, planning, implementing and  
137 evaluating school health services and community services that  
138 include the broad continuum or promotion of primary, secondary and  
139 tertiary prevention; \* \* \*

140 (q) Contributing to nursing and school health through  
141 innovations in theory and practice and participation in research;  
142 and



143                   (r) Carrying out the functions of those strategies  
144 implemented in the program developed by the State Department of  
145 Health under Section 4 of this act.

146           (3) Public school nurses shall be specifically prohibited  
147 from providing abortion counseling to any student or referring any  
148 student to abortion counseling or abortion clinics. Any violation  
149 of this subsection shall disqualify the school district employing  
150 such public school nurse from receiving any state administered  
151 funds under this section.

152           (4) [Repealed]

153           (5) Beginning with the 1997-1998 school year, to the extent  
154 that federal or state funds are available therefor and pursuant to  
155 appropriation therefor by the Legislature, in addition to the  
156 school nurse intervention program funds administered under  
157 subsection (4), the State Department of Health shall establish and  
158 implement a Prevention of Teen Pregnancy Pilot Program to be  
159 located in the public school districts with the highest numbers of  
160 teen pregnancies. The Teen Pregnancy Pilot Program shall provide  
161 the following education services directly through public school  
162 nurses in the pilot school districts: health education sessions  
163 in local schools, where contracted for or invited to provide,  
164 which target issues including reproductive health, teen pregnancy  
165 prevention and sexually transmitted diseases, including syphilis,  
166 HIV and AIDS. When these services are provided by a school nurse,  
167 training and counseling on abstinence shall be included.



168           (6) In addition to the school nurse intervention program  
169 funds administered under subsection (4) and the Teen Pregnancy  
170 Pilot Program funds administered under subsection (5), to the  
171 extent that federal or state funds are available therefor and  
172 pursuant to appropriation therefor by the Legislature, the State  
173 Department of Health shall establish and implement an Abstinence  
174 Education Pilot Program to provide abstinence education,  
175 mentoring, counseling and adult supervision to promote abstinence  
176 from sexual activity, with a focus on those groups which are most  
177 likely to bear children out of wedlock. Such abstinence education  
178 services shall be provided by the State Department of Health  
179 through its clinics, public health nurses, school nurses and  
180 through contracts with rural and community health centers in order  
181 to reach a larger number of targeted clients. For purposes of  
182 this subsection, the term "abstinence education" means an  
183 educational or motivational program which:

184           (a) Has as its exclusive purpose, teaching the social,  
185 psychological and health gains to be realized by abstaining from  
186 sexual activity;

187           (b) Teaches abstinence from sexual activity outside  
188 marriage as the expected standard for all school-age children;

189           (c) Teaches that abstinence from sexual activity is the  
190 only certain way to avoid out-of-wedlock pregnancy, sexually  
191 transmitted diseases and other associated health problems;





192           (d) Teaches that a mutually faithful monogamous  
193 relationship in context of marriage is the expected standard of  
194 human sexual activity;

195           (e) Teaches that sexual activity outside of the context  
196 of marriage is likely to have harmful psychological and physical  
197 effects;

198           (f) Teaches that bearing children out of wedlock is  
199 likely to have harmful consequences for the child, the child's  
200 parents and society;

201           (g) Teaches young people how to reject sexual advances  
202 and how alcohol and drug use increase vulnerability to sexual  
203 advances; and

204           (h) Teaches the importance of attaining  
205 self-sufficiency before engaging in sexual activity.

206           (7) Beginning with the 1998-1999 school year and pursuant to  
207 appropriation therefor by the Legislature, in addition to other  
208 funds allotted under the minimum education program, each school  
209 district shall be allotted an additional teacher unit per every  
210 one hundred (100) teacher units, for the purpose of employing  
211 qualified public school nurses in such school district, which in  
212 no event shall be less than one (1) teacher unit per school  
213 district, for such purpose. In the event the Legislature provides  
214 less funds than the total state funds needed for the public school  
215 nurse allotment, those school districts with fewer teacher units



216 shall be the first funded for such purpose, to the extent of funds  
217 available.

218 (8) Prior to the 1998-1999 school year, nursing staff  
219 assigned to the program shall be employed through the local county  
220 health department and shall be subject to the supervision of the  
221 State Department of Health with input from local school officials.  
222 Local county health departments may contract with any  
223 comprehensive private primary health care facilities within their  
224 county to employ and utilize additional nursing staff. Beginning  
225 with the 1998-1999 school year, nursing staff assigned to the  
226 program shall be employed by the local school district and shall  
227 be designated as "health service coordinators," and shall be  
228 required to possess a bachelor's degree in nursing as a minimum  
229 qualification.

230 (9) Upon each student's enrollment, the parent or guardian  
231 shall be provided with information regarding the scope of the  
232 school nurse intervention program. The parent or guardian may  
233 provide the school administration with a written statement  
234 refusing all or any part of the nursing service. No child shall  
235 be required to undergo hearing and vision or scoliosis screening  
236 or any other physical examination or tests whose parent objects  
237 thereto on the grounds such screening, physical examination or  
238 tests are contrary to his sincerely held religious beliefs.

239 (10) A consent form for reproductive health education shall  
240 be sent to the parent or guardian of each student upon his



241 enrollment. If a response from the parent or guardian is not  
242 received within seven (7) days after the consent form is sent, the  
243 school shall send a letter to the student's home notifying the  
244 parent or guardian of the consent form. If the parent or guardian  
245 fails to respond to the letter within ten (10) days after it is  
246 sent, then the school principal shall be authorized to allow the  
247 student to receive reproductive health education. Reproductive  
248 health education shall include the teaching of total abstinence  
249 from premarital sex and, wherever practicable, reproductive health  
250 education should be taught in classes divided according to gender.  
251 All materials used in the reproductive health education program  
252 shall be placed in a convenient and easily accessible location for  
253 parental inspection. School nurses shall not dispense birth  
254 control pills or contraceptive devices in the school. Dispensing  
255 of such shall be the responsibility of the State Department of  
256 Health on a referral basis only.

257 (11) No provision of this section shall be construed as  
258 prohibiting local school districts from accepting financial  
259 assistance of any type from the State of Mississippi or any other  
260 governmental entity, or any contribution, donation, gift, decree  
261 or bequest from any source which may be utilized for the  
262 maintenance or implementation of a school nurse intervention  
263 program in a public school system of this state.

264 **SECTION 6.** This act shall take effect and be in force from  
265 and after July 1, 2018.

