

By: Representative Anderson

To: Public Health and Human Services; Education

HOUSE BILL NO. 1278

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,  
 2 TO REVISE CERTAIN PROVISIONS RELATING TO SEX EDUCATION INSTRUCTION  
 3 IN PUBLIC SCHOOLS; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION  
 4 AND THE MISSISSIPPI DEPARTMENT OF HEALTH TO COLLABORATE TO DEVELOP  
 5 A LIST OF APPROVED CURRICULA EVERY FIVE YEARS WHICH IS  
 6 EVIDENCE-BASED, MEDICALLY ACCURATE AND APPROPRIATE FOR MIDDLE AND  
 7 HIGH SCHOOL STUDENTS BEGINNING JULY 1, 2018, WHICH MAY BE USED BY  
 8 LOCAL SCHOOL DISTRICTS IN ADOPTING POLICIES ON ABSTINENCE-ONLY AND  
 9 ABSTINENCE-PLUS EDUCATION; AND FOR RELATED PURPOSES.

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

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

13 37-13-171. (1) The local school board of every public  
 14 school district shall adopt a policy to implement abstinence-only  
 15 or abstinence-plus education into its curriculum by June 30, 2012,  
 16 which instruction in those subjects shall be implemented not later  
 17 than the start of the 2012-2013 school year or the local school  
 18 board shall adopt the program which has been developed by the  
 19 Mississippi Department of Human Services and the Mississippi  
 20 Department of Health. Beginning July 1, 2018, the State  
 21 Department of Education, in collaboration with the Mississippi



22 Department of Health, shall develop a list of approved curricula  
23 every five (5) years which is evidence-based, medically accurate  
24 and appropriate for middle and high school students. The  
25 Mississippi Department of Health shall determine whether the  
26 curricula are evidence-based and medically accurate. The State  
27 Department of Health shall determine whether the curricula are  
28 age, grade and developmentally appropriate. The State Department  
29 of Education shall approve each district's curriculum for  
30 sex-related education and shall establish a protocol to be used by  
31 districts to provide continuity in teaching the approved  
32 curriculum in a manner that is age, grade and developmentally  
33 appropriate.

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

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

42 (b) Teaches the harmful consequences to the child, the  
43 child's parents and society that bearing children out of wedlock  
44 is likely to produce, including the health, educational, financial  
45 and other difficulties the child and his or her parents are likely



46 to face, as well as the inappropriateness of the social and  
47 economic burden placed on others;

48 (c) Teaches that unwanted sexual advances are  
49 irresponsible and teaches how to reject sexual advances and how  
50 alcohol and drug use increases vulnerability to sexual advances;

51 (d) Teaches that abstinence from sexual activity before  
52 marriage, and fidelity within marriage, is the only certain way to  
53 avoid out-of-wedlock pregnancy, sexually transmitted diseases and  
54 related health problems. The instruction or program may include a  
55 discussion on condoms or contraceptives, but only if that  
56 discussion includes a factual presentation of the risks and  
57 failure rates of those contraceptives. In no case shall the  
58 instruction or program include any demonstration of how condoms or  
59 other contraceptives are applied;

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

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

66 (3) A program or instruction on sex-related education need  
67 not include every component listed in subsection (2) of this  
68 section for abstinence-only education. However, no program or  
69 instruction under an abstinence-only curriculum may include  
70 anything that contradicts the excluded components. For purposes



71 of this section, abstinence-plus education includes every  
72 component listed under subsection (2) of this section that is age  
73 and grade appropriate, in addition to any other programmatic or  
74 instructional component approved by the department, which shall  
75 not include instruction and demonstrations on the application and  
76 use of condoms. Abstinence-plus education may discuss other  
77 contraceptives, the nature, causes and effects of sexually  
78 transmitted diseases, or the prevention of sexually transmitted  
79 diseases, including HIV/AIDS, along with a factual presentation of  
80 the risks and failure rates.

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

84 (5) Local school districts, in their discretion, may host  
85 programs designed to teach parents how to discuss abstinence with  
86 their children.

87 (6) There shall be no effort in either an abstinence-only or  
88 an abstinence-plus curriculum to teach that abortion can be used  
89 to prevent the birth of a baby.

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

95 (8) This section shall stand repealed on July 1, \* \* \* 2023.



96           **SECTION 2.** This act shall take effect and be in force from  
97 and after July 1, 2018.

