

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2791

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
2 TO EXTEND BY FIVE YEARS THE REPEALER ON THE PROVISION OF LAW
3 REQUIRING EVERY SCHOOL DISTRICT TO ADOPT A POLICY TO IMPLEMENT
4 ABSTINENCE-ONLY OR ABSTINENCE-PLUS EDUCATION INTO ITS CURRICULUM;
5 AND FOR RELATED PURPOSES.

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

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

9 37-13-171. (1) The local school board of every public
10 school district shall adopt a policy to implement abstinence-only
11 or abstinence-plus education into its curriculum by June 30, 2012,
12 which instruction in those subjects shall be implemented not later
13 than the start of the 2012-2013 school year or the local school
14 board shall adopt the program which has been developed by the
15 Mississippi Department of Human Services and the Mississippi
16 Department of Health. The State Department of Education shall
17 approve each district's curriculum for sex-related education and
18 shall establish a protocol to be used by districts to provide



19 continuity in teaching the approved curriculum in a manner that is
20 age, grade and developmentally appropriate.

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

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

29 (b) Teaches the harmful consequences to the child, the
30 child's parents and society that bearing children out of wedlock
31 is likely to produce, including the health, educational, financial
32 and other difficulties the child and his or her parents are likely
33 to face, as well as the inappropriateness of the social and
34 economic burden placed on others;

35 (c) Teaches that unwanted sexual advances are
36 irresponsible and teaches how to reject sexual advances and how
37 alcohol and drug use increases vulnerability to sexual advances;

38 (d) Teaches that abstinence from sexual activity before
39 marriage, and fidelity within marriage, is the only certain way to
40 avoid out-of-wedlock pregnancy, sexually transmitted diseases and
41 related health problems. The instruction or program may include a
42 discussion on condoms or contraceptives, but only if that
43 discussion includes a factual presentation of the risks and



44 failure rates of those contraceptives. In no case shall the
45 instruction or program include any demonstration of how condoms or
46 other contraceptives are applied;

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

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

53 (3) A program or instruction on sex-related education need
54 not include every component listed in subsection (2) of this
55 section for abstinence-only education. However, no program or
56 instruction under an abstinence-only curriculum may include
57 anything that contradicts the excluded components. For purposes
58 of this section, abstinence-plus education includes every
59 component listed under subsection (2) of this section that is age
60 and grade appropriate, in addition to any other programmatic or
61 instructional component approved by the department, which shall
62 not include instruction and demonstrations on the application and
63 use of condoms. Abstinence-plus education may discuss other
64 contraceptives, the nature, causes and effects of sexually
65 transmitted diseases, or the prevention of sexually transmitted
66 diseases, including HIV/AIDS, along with a factual presentation of
67 the risks and failure rates.



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

71 (5) Local school districts, in their discretion, may host
72 programs designed to teach parents how to discuss abstinence with
73 their children.

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

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

82 (8) This section shall stand repealed on July 1, * * * 2026.

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2021.

