

By: Representative Yancey

To: Education

## HOUSE BILL NO. 1390

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,  
2 TO DELETE THE REPEALER ON THE REQUIREMENT FOR SCHOOL BOARDS TO  
3 ADOPT A POLICY ON THE IMPLEMENTATION OF ABSTINENCE-ONLY OR  
4 ABSTINENCE-PLUS EDUCATION INTO THE CURRICULUM; AND FOR RELATED  
5 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



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

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

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

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

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

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

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83       **SECTION 2.** This act shall take effect and be in force from  
84 and after July 1, 2023.

