

By: Representative Yancey

To: Education

HOUSE BILL NO. 1390  
(As Sent to Governor)

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; TO INCLUDE SEXUAL  
5 RISK AVOIDANCE EDUCATION AS AN ADDITIONAL POLICY FOR THE  
6 CURRICULUM REQUIREMENTS; TO MAKE NONSUBSTANTIVE CHANGES TO UPDATE  
7 ANTIQUATED LANGUAGE; AND FOR RELATED PURPOSES.

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

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

11 37-13-171. (1) The local school board of every public  
12 school district shall adopt a policy to implement abstinence-only  
13 or abstinence-plus education or sexual risk avoidance education  
14 into its curriculum \* \* \*, which instruction in those subjects  
15 shall be implemented not later than the start of the \* \* \*  
16 2023-2024 school year or the local school board shall adopt the  
17 program which has been developed by the Mississippi Department of  
18 Human Services and the Mississippi Department of Health. The  
19 State Department of Education shall approve each district's  
20 curriculum for sex-related education and shall establish a



21 protocol to be used by districts to provide continuity in teaching  
22 the approved curriculum in a manner that is age, grade and  
23 developmentally appropriate.

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

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

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

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

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



46 that discussion includes a factual presentation of the risks and  
47 failure rates of those contraceptives. In no case shall the  
48 instruction or program include any demonstration of how condoms or  
49 other contraceptives are applied;

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

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

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



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

74 (5) Local school districts, in their discretion, may host  
75 programs designed to teach parents how to discuss abstinence with  
76 their children.

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

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

85 \* \* \*

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

