

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1390

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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 (8) This section shall stand repealed on July 1, * * * 2026.

86 **SECTION 2.** This act shall take effect and be in force from
87 and after July 1, 2023, and shall stand repealed on June 30, 2023.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-13-171, MISSISSIPPI CODE OF 1972,
2 TO EXTEND 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.

