

By: Representatives White, Dixon

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 494

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 TO AMEND SECTION 2, CHAPTER 507, LAW OF 2009, AS AMENDED BY
6 SECTION 4, CHAPTER 430, LAWS OF 2011, TO EXTEND BY FIVE YEARS THE
7 REPEALER ON THE PROVISION OF LAW CREATING AND PRESCRIBING THE
8 DUTIES OF THE TEEN PREGNANCY PREVENTION TASK FORCE; AND FOR
9 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. The State Department of Education shall
21 approve each district's curriculum for sex-related education and



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

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

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

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

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

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



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

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

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

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



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

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

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

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

86 (8) This section shall stand repealed on July 1, * * * 2021.

87 **SECTION 2.** Section 2, Chapter 507, Laws of 2009, as amended
88 by Section 4, Chapter 430, Laws of 2011, is amended as follows:

89 Section 2. (1) There is created the Teen Pregnancy
90 Prevention Task Force to study and make recommendation to the
91 Legislature on the implementation of sex-related educational
92 courses through abstinence-only or abstinence-plus education into
93 the curriculum of local school districts and the coordination of
94 services by certain state agencies to reduce teen pregnancy and
95 provide prenatal and postnatal training to expectant teen parents
96 in Mississippi. The task force shall make an annual report of its



97 findings and recommendations to the Legislature beginning with the
98 2012 Regular Session.

99 (2) The task force shall be composed of the following
100 seventeen (17) members:

101 (a) The Chairmen of the Senate and House Public Health
102 and Welfare Committees, or their designees;

103 (b) The Chairmen of the Senate and House Education
104 Committees, or their designees;

105 (c) The Chairman of the House Select Committee on
106 Poverty;

107 (d) One (1) member of the Senate appointed by the
108 Lieutenant Governor;

109 (e) The Executive Director of the Department of Human
110 Services, or his or her designee;

111 (f) The State Health Officer, or his or her designee;

112 (g) The State Superintendent of Public Education, or
113 his or her designee;

114 (h) The Executive Director of the Division of Medicaid,
115 or his or her designee;

116 (i) The Executive Director of the State Department of
117 Mental Health, or his or her designee;

118 (j) The Vice Chancellor for Health Affairs and Dean of
119 the University of Mississippi Medical Center School of Medicine,
120 or his or her designee;



121 (k) Two (2) representatives of the private health or
122 social services sector appointed by the Governor;

123 (l) One (1) representative of the private health or
124 social services sector appointed by the Lieutenant Governor;

125 (m) One (1) representative of the private health or
126 social services sector appointed by the Speaker of the House of
127 Representatives; and

128 (n) One (1) representative from a local community-based
129 youth organization that teaches or has taught a federal or local
130 school district approved curriculum.

131 (3) Appointments shall be made within thirty (30) days after
132 July 1, 2011, and, within fifteen (15) days thereafter on a day to
133 be designated jointly by the Speaker of the House and the
134 Lieutenant Governor, the task force shall meet and organize by
135 selecting from its membership a chairman and a vice chairman. The
136 vice chairman shall also serve as secretary and shall be
137 responsible for keeping all records of the task force. A majority
138 of the members of the task force shall constitute a quorum. In
139 the selection of its officers and the adoption of rules,
140 resolutions and reports, an affirmative vote of a majority of the
141 task force shall be required. All members shall be notified in
142 writing of all meetings, the notices to be mailed at least fifteen
143 (15) days before the date on which a meeting is to be held. If a
144 vacancy occurs on the task force, the vacancy shall be filled in
145 the manner that the original appointment was made.



146 (4) Members of the task force who are not legislators, state
147 officials or state employees shall be compensated at the per diem
148 rate authorized by Section 25-3-69 and shall be reimbursed in
149 accordance with Section 25-3-41 for mileage and actual expenses
150 incurred in the performance of their duties. Legislative members
151 of the task force shall be paid from the contingent expense funds
152 of their respective houses in the same manner as provided for
153 committee meetings when the Legislature is not in session.
154 However, no per diem or expense for attending meetings of the task
155 force may be paid to legislative members of the task force while
156 the Legislature is in session. No task force member may incur per
157 diem, travel or other expenses unless previously authorized by
158 vote, at a meeting of the task force, which action shall be
159 recorded in the official minutes of the meeting. Nonlegislative
160 members shall be paid from any funds made available to the task
161 force for that purpose.

162 (5) The task force shall use clerical and legal staff
163 already employed by the Legislature and any other staff assistance
164 made available to it by the Department of Health, the Mississippi
165 Department of Human Services, the Department of Mental Health, the
166 State Department of Education and the Division of Medicaid. To
167 effectuate the purposes of this section, any department, division,
168 board, bureau, commission or agency of the state or of any
169 political subdivision thereof shall, at the request of the
170 chairman of the task force, provide to the task force such



171 facilities, assistance and data as will enable the task force
172 properly to carry out its duties.

173 (6) In order to carry out the functions and responsibilities
174 necessary to study and make recommendations to the Legislature,
175 the Teen Pregnancy Prevention Task Force shall:

176 (a) Form task force subgroups based on specific areas
177 of expertise;

178 (b) Review and consider coordinated services and plans
179 and related studies done by or through existing state agencies and
180 advisory, policy or research organizations to reduce teen
181 pregnancy and provide the necessary prenatal and postnatal
182 training to expectant teen parents;

183 (c) Review and consider statewide and regional planning
184 initiatives related to teen pregnancy;

185 (d) Consider efforts of stakeholder groups to comply
186 with federal requirements for coordinated planning and service
187 delivery;

188 (e) Evaluate the implementation of sex-related
189 educational courses through abstinence-only or abstinence-plus
190 education in local school districts throughout the state;

191 (f) Evaluate the effect of the adoption of a required
192 sex education policy on teen pregnancy rates and dropout rates due
193 to teen pregnancy on the local school district and statewide
194 levels;



195 (g) Compare and analyze data in districts adopting and
196 implementing abstinence-only education to districts adopting
197 abstinence-plus education;

198 (h) Require the Department of Health, the Mississippi
199 Department of Human Services, the Department of Mental Health, the
200 State Department of Education and the Division of Medicaid to
201 conduct a study of community programs available throughout the
202 state, and the areas wherein they are located, which provide
203 programs of instruction on sexual behavior and assistance to teen
204 parents; and

205 (i) Work through the Department of Health, the
206 Mississippi Department of Human Services, the Department of Mental
207 Health, the State Department of Education and the Division of
208 Medicaid to cause any studies, assessments and analyses to be
209 conducted as may be deemed necessary by the task force.

210 (7) This section shall stand repealed on July 1, * * * 2021.

211 **SECTION 3.** This act shall take effect and be in force from
212 and after July 1, 2016.

