

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE APRIL 6, 2006

SENATE BILL

No. 1471

Introduced by Senator Kuehl

February 23, 2006

An act to add Division 120 (commencing with Section 151000) to the Health and Safety Code, relating to sex education funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 1471, as amended, Kuehl. Sex education programs: requirements.

Existing law establishes requirements for the provision of sex education.

The existing California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined.

Existing law enumerates various requirements for comprehensive sexual health education and HIV/AIDS prevention education. Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention and empowers a parent or guardian to excuse his or her pupil from all or part of that instruction.

This bill would *enact the California Community Sexual Health Education Act*, which would require any program that provides education to prevent adolescent or unintended pregnancy or to prevent sexually transmitted infections and that is conducted, operated, or

administered by the state or any state agency, or is funded directly or indirectly by the state, or receives any financial assistance from the state funds or funds administered by the state, including, but not limited to, public schools, to meet specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature intends both of the following:*

2 (a) *This act shall not apply retroactively to any grant that has*
3 *been funded pursuant to a contract that is entered into before*
4 *January 1, 2007.*

5 (b) *Monitoring of compliance with this act shall be integrated*
6 *into the current monitoring and compliance procedures for*
7 *grants.*

8 SECTION 1.

9 SEC. 2. Division 120 (commencing with Section 151000) is
10 added to the Health and Safety Code, to read:

11

12 DIVISION 120. ~~PREGNANCY AND SEXUALLY~~
13 ~~TRANSMITTED DISEASE PREVENTION PROGRAM~~
14 FUNDING CALIFORNIA COMMUNITY SEXUAL HEALTH
15 EDUCATION ACT

16

17 151000. This division shall be known and may be cited as the
18 California Community Sexual Health Education Act.

19 151001. For purposes of this division, the following
20 definitions shall apply:

21 (a) "Age appropriate" refers to topics, messages, and teaching
22 methods suitable to particular ages or age groups of children and
23 adolescents, based on developing cognitive, emotional, and
24 behavioral capacity typical for the age or age group.

25 (b) A "single session" program means a single presentation or
26 contact designed to provide awareness and information about
27 preventing pregnancy, or sexually transmitted diseases. It
28 includes outreach activities in which educators, outreach
29 workers, or youth peer educators provide oral or written
30 information to individuals during a single encounter.

1 (c) A “multiple session” program means instruction or an
2 informational presentation about preventing pregnancy or
3 sexually transmitted diseases that is provided to the same
4 audience over more than one session.

5 (d) “Medically accurate” means verified or supported by
6 research conducted in compliance with scientific methods and
7 published in peer review journals, where appropriate, and
8 recognized as accurate and objective by professional
9 organizations and agencies with expertise in the relevant field,
10 including, but not limited to, the federal Centers for Disease
11 Control and Prevention, the American Public Health Association,
12 the Society for Adolescent Medicine, the American Academy of
13 Pediatrics, and the American College of Obstetricians and
14 Gynecologists.

15 151002. (a) Any program that provides instruction or
16 information to prevent adolescent or unintended pregnancy, or to
17 prevent sexually transmitted diseases, including HIV, that is
18 conducted, operated, or administered by any state agency or is
19 funded directly or indirectly by the state, or receives any
20 financial assistance from state funds or funds administered by a
21 state agency, shall satisfy all of the following requirements:

22 (1) All information shall be medically accurate, current, and
23 objective.

24 (2) Individuals providing instruction or information on
25 pregnancy, sexuality, and sexually transmitted diseases shall
26 know and use the most current scientific data on human
27 sexuality, human development, pregnancy, and sexually
28 transmitted diseases.

29 (3) The program content shall be age appropriate for its
30 targeted population.

31 (4) The program shall not teach or promote religious doctrine.

32 (5) The program shall be culturally and linguistically
33 appropriate for its targeted populations.

34 (6) The program shall not reflect or promote bias against any
35 person on the basis of disability, gender, nationality, race or
36 ethnicity, religion, or sexual orientation, as defined in Section
37 422.56 of the Penal Code.

38 (b) If the program consists of instruction or information that is
39 delivered in a single session *to persons age 12 years and over*, it

1 shall satisfy all of the criteria in subdivision (a) and shall also
2 satisfy the following conditions:

3 (1) If the program is directed towards minors and addresses
4 sexually transmitted diseases, it shall include information that the
5 only certain way to prevent sexually transmitted diseases is to
6 abstain from activities that have been proven to transmit sexually
7 transmitted diseases.

8 (2) If the program is directed toward minors and addresses
9 pregnancy prevention, it shall include information that the only
10 certain way to prevent unintended pregnancy is to abstain from
11 sexual intercourse.

12 (3) If the program addresses sexually transmitted diseases, the
13 program shall provide information about the effectiveness and
14 safety of one or more drugs or devices approved by the federal
15 Food and Drug Administration for reducing the risk of
16 contracting sexually transmitted diseases.

17 (4) If the program addresses pregnancy prevention, it shall
18 provide information about the effectiveness and safety of one or
19 more drugs or devices approved by the federal Food and Drug
20 Administration for preventing pregnancy.

21 (c) If the program consists of instruction or information that is
22 delivered in multiple sessions *to persons 12 years and over*, it
23 shall satisfy all of the criteria in subdivision (a) and paragraphs
24 (1) and (2) of subdivision (b), and shall also satisfy the following
25 conditions:

26 (1) The program shall provide information about skills for
27 refusing unwanted sexual activity and communicating with
28 sexual partners.

29 (2) The program shall provide information about the
30 effectiveness and safety of all drugs and devices approved by the
31 federal Food and Drug Administration for reducing the risk of
32 contracting sexually transmitted diseases, and information on
33 local resources for testing and treatment of sexually transmitted
34 diseases.

35 (3) If the program addresses pregnancy prevention, it shall
36 provide information about the effectiveness and safety of all
37 drugs and devices approved by the federal Food and Drug
38 Administration for preventing pregnancy, including, but not
39 limited to, emergency contraception.

1 (d) *If the program consists of instruction or information that is*
2 *delivered in a single session or in multiple sessions to persons*
3 *under age 12 years, it shall satisfy all of the criteria in*
4 *subdivision (a) and may provide age appropriate and medically*
5 *accurate information on any of the topics referred to in*
6 *paragraphs (1) to (4), inclusive, of subdivision (b) and*
7 *paragraphs (1) to (3), inclusive, of subdivision (c).*

8 ~~(d)~~

9 (e) As a condition of receiving state funds or
10 state-administered funds for any program or activity described in
11 subdivisions (a), (b), ~~and (e), and (c), and (d)~~, a nongovernmental
12 agent applicant shall attest in writing that its program complies
13 with all conditions of funding, including those enumerated in this
14 section. If the program is conducted at a publicly funded school,
15 including charter schools, the applicant shall, notwithstanding
16 Section 47610 of the Education Code, indicate in writing how the
17 program fits in with the school's plan to comply fully with the
18 requirements of the California Comprehensive Sexual Health and
19 HIV/AIDS Prevention Education Act, Chapter 5.6 (commencing
20 with Section 51930) of the Education Code.

21 (f) *If the agency knows or should have known that a grantee is*
22 *not in compliance with this section, the agency shall terminate*
23 *the contract or take other appropriate action.*

24 ~~(e)~~

25 (g) Nothing in this section shall be construed to limit the
26 requirements of the California Comprehensive Sexual Health and
27 HIV/AIDS Prevention Education Act, Chapter 5.6 (commencing
28 with Section 51930) of the Education Code.

29 ~~(f)~~

30 (h) Nothing in this section shall apply to one-on-one
31 interactions between a health practitioner and his or her patient in
32 a clinical setting.

33 (i) *This section shall not apply to programs funded pursuant to*
34 *contracts entered into before January 1, 2007.*