

AMENDED IN ASSEMBLY AUGUST 21, 2006

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

10

11 DIVISION 120. CALIFORNIA COMMUNITY SEXUAL
12 HEALTH EDUCATION ACT
13

14 151000. This division shall be known and may be cited as the
15 California Community Sexual Health Education Act.

16 151001. For purposes of this division, the following
17 definitions shall apply:

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

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

28 (c) A "multiple session" program means instruction or an
29 informational presentation about preventing pregnancy or

1 sexually transmitted diseases that is provided to the same
2 audience over more than one session.

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

13 151002. (a) Any program that provides instruction or
14 information to prevent adolescent or unintended pregnancy, or to
15 prevent sexually transmitted diseases, including HIV, that is
16 conducted, operated, or administered by any state agency or is
17 funded directly or indirectly by the state, or receives any
18 financial assistance from state funds or funds administered by a
19 state agency, shall satisfy all of the following requirements:

20 (1) All information shall be medically accurate, current, and
21 objective.

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

27 (3) The program content shall be age appropriate for its
28 targeted population.

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

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

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

36 (b) If the program consists of instruction or information that is
37 delivered in a single session to persons age 12 years and over, it
38 shall satisfy all of the criteria in subdivision (a) and shall also
39 satisfy the following conditions:

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

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

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

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

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

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

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

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

38 (d) If the program consists of instruction or information that is
39 delivered in a single session or in multiple sessions to persons
40 under age 12 years, it shall satisfy all of the criteria in

1 subdivision (a) and may provide age appropriate and medically
2 accurate information on any of the topics referred to in
3 paragraphs (1) to (4), inclusive, of subdivision (b) and paragraphs
4 (1) to (3), inclusive, of subdivision (c).

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

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

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

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

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