

House Bill 2554

Sponsored by Representative MORGAN; Representatives CATE, LEVY B, LEWIS, SCHARF, Senators FINDLEY, HANSELL, WEBER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires parent or legal guardian of student to provide written permission prior to student participating in human sexuality education course. Directs school districts to provide form for parent or legal guardian to grant permission, and requires school districts to include with form information about curriculum and how to access instructional materials.

Limits provision of human sexuality education courses to grades 5 through 12.

Declares emergency, effective July 1, 2023.

A BILL FOR AN ACT

1
2 Relating to instruction on human sexuality; creating new provisions; amending ORS 336.455; re-
3 pealing ORS 336.465; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 336.455 is amended to read:

6 336.455. (1)(a) Each school district shall provide age-appropriate human sexuality education
7 courses in [*all public elementary and secondary schools*] **grades 5 through 12** as an integral part of
8 the health education curriculum.

9 **(b) A student may participate in a human sexuality education course only if the student's**
10 **parent or legal guardian provides written permission for the student's participation.**

11 **(2) Refusal to take or participate in any class, course, assembly or school-sponsored ac-**
12 **tivity on human sexuality or sexually transmitted infections, including human**
13 **immunodeficiency virus, may not be reason for harassment, suspension or expulsion of a**
14 **student.**

15 **(3) Each school district shall:**

16 **(a) In advance of any instruction on human sexuality or sexually transmitted infections,**
17 **provide the parent or guardian of each student who may receive instruction with a form that**
18 **the parent or legal guardian may use to grant written permission for the student to receive**
19 **the instruction. The form must include information about the curriculum and how to access**
20 **any instructional materials to be used for the instruction.**

21 **(b) Give parents, legal guardians and district residents an opportunity to examine the**
22 **instructional materials to be used in any class, course, assembly or school-sponsored activity**
23 **on human sexuality or sexually transmitted infections.**

24 [(2)] **(4) Course material and instruction for all human sexuality education courses shall enhance**
25 **students' understanding of sexuality as a normal and healthy aspect of human development. Course**
26 **instruction shall:**

27 **(a) Be medically accurate.**

28 **(b) Be comprehensive.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Include information about responsible sexual behaviors and hygienic practices that eliminate
2 or reduce the risks of pregnancy and the risks of exposure to human immunodeficiency virus,
3 hepatitis B, hepatitis C and other sexually transmitted infections. Information about those risks shall
4 be presented in a manner designed to allay fears concerning risks that are scientifically groundless.

5 (d) Promote abstinence for school-age youth and mutually monogamous relationships with an
6 uninfected partner for adults as the most effective way to prevent pregnancy and the transmission
7 of sexually transmitted infections. However, abstinence may not be taught to the exclusion of other
8 material and instruction on contraceptive and infection reduction measures. Human sexuality edu-
9 cation courses shall acknowledge the value of abstinence while not devaluing or ignoring those
10 students who have had or are having sexual intercourse.

11 (e) Include a discussion about the characteristics of the emotional, physical and psychological
12 aspects of a healthy relationship and a discussion about the benefits of delaying pregnancy beyond
13 the adolescent years as a means to better ensure a healthy future for parents and their children.
14 Students shall be provided with statistics based on the latest medical information regarding both the
15 health benefits and the possible side effects of all forms of contraceptives, including the success and
16 failure rates for prevention of pregnancy.

17 (f) Stress that sexually transmitted infections are serious possible outcomes of sexual contact.
18 Students shall be provided with statistics based on the latest medical information regarding the ef-
19 ficacy of all methods of sexual protection in preventing sexually transmitted infections, including
20 human immunodeficiency virus, hepatitis B and hepatitis C.

21 (g) Provide students with information about Oregon laws that address young people's rights and
22 responsibilities related to childbearing and parenting.

23 (h) Advise students of the circumstances in which it is unlawful under ORS 163.435 and 163.445
24 for persons 18 years of age or older to have sexual relations with persons younger than 18 years
25 of age to whom they are not married.

26 (i) Teach students that no form of sexual expression is acceptable when the expression phys-
27 ically or emotionally harms oneself or others and teach students not to make unwanted physical and
28 verbal sexual advances, how to decline unwanted sexual advances or accept the refusal of unwanted
29 sexual advances. Students shall be taught that it is wrong to take advantage of or to exploit an-
30 other person. Materials and information shall be presented in a manner sensitive to the fact that
31 there are students who have experienced sexual abuse.

32 (j) Validate through course material and instruction the importance of honesty with oneself and
33 others, respect for each person's dignity and well-being, and responsibility for one's actions.

34 (k) Assist students in the development and practice of effective communication skills, the de-
35 velopment of self-esteem and the ability to resist peer pressure.

36 (L) Encourage family communication and involvement to help students learn to make responsible
37 decisions.

38 [(3)] (5) Any course in any public elementary and secondary school, the main purpose of which
39 is to address human sexuality education or sexually transmitted infections, including human
40 immunodeficiency virus, or both, must emphasize that abstinence from sexual contact is the only
41 method that is 100 percent effective against unintended pregnancy, sexually transmitted infections
42 and human immunodeficiency virus when transmitted sexually. Abstinence must be stressed, but not
43 to the exclusion of other material and instruction on contraceptive and infection reduction meas-
44 ures. Courses described in this subsection must acknowledge the value of abstinence while not de-
45 valuing or ignoring those students who have had or are having sexual intercourse.

1 [(4)] **(6)** Nothing in this section prohibits instruction in sanitation, hygiene or traditional courses
2 in biology[.] **or prohibits the provision of health care in a school-based health center or by a**
3 **school nurse or other school employee.**

4 **(7) The requirements of subsections (1)(b) and (3)(a) of this section do not apply to a**
5 **student who is over 18 years of age or who is emancipated pursuant to ORS 419B.550 to**
6 **419B.558.**

7 **SECTION 2. The amendments to ORS 336.455 by section 1 of this 2023 Act first apply to**
8 **the 2023-2024 school year.**

9 **SECTION 3. ORS 336.465 is repealed.**

10 **SECTION 4. This 2023 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
12 **July 1, 2023.**

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