

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 88

Short Title: Healthy Youth Act. (Public)

Sponsors: Representatives England, Fisher, Adams, Wilkins (Primary Sponsors);
K. Alexander, M. Alexander, Allen, Blue, Bordsen, Bryant, Carney, Cotham,
Crawford, Dickson, Earle, Farmer-Butterfield, E. Floyd, Glazier, Goforth,
Goodwin, Hall, Harrell, Harrison, Holliman, Hughes, Insko, Jackson, Jeffus,
Jones, Lucas, Luebke, Mackey, Martin, Owens, Parmon, Ross, Sutton, Tarleton,
Tolson, Wainwright, E. Warren, Weiss, Womble, and Wray.

Referred to: Rules, Calendar, and Operations of the House.

February 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR ABSTINENCE UNTIL MARRIAGE AND
3 COMPREHENSIVE SEXUALITY EDUCATION PROGRAMS IN GRADES SEVEN
4 THROUGH NINE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** This act shall be known as the "Healthy Youth Act of 2009".

7 **SECTION 2.** G.S. 115C-81(e1)(1)l. reads as rewritten:

8 "l. ~~Abstinence until marriage education; An abstinence only until~~
9 marriage program, and an abstinence-based comprehensive sexuality
10 education program; and".

11 **SECTION 3.** G.S. 115C-81(e1)(3) is repealed.

12 **SECTION 4.** G.S. 115C-81(e1)(4) reads as rewritten:

13 "(4) ~~The State Board of Education shall evaluate abstinence until marriage~~
14 ~~curricula and their learning materials and shall develop and maintain a~~
15 ~~recommended list of one or more approved abstinence until marriage~~
16 ~~curricula. The State Board may develop an abstinence until marriage~~
17 ~~program to include on the recommended list. The State Board of Education~~
18 ~~shall not select or develop a program for inclusion on the recommended list~~
19 ~~that does not include the positive benefits of abstinence until marriage and~~
20 ~~the risks of premarital sexual activity as the primary focus. The State Board~~
21 ~~shall include on the recommended list only programs that include, in~~
22 ~~appropriate grades and classes, instruction that:~~ Each local school
23 administrative unit shall offer an abstinence only until marriage program
24 commencing in the seventh grade that includes the following instruction:

- 25 a. Teaches that abstinence from sexual activity outside of marriage is
26 the expected standard for all school-age children;
- 27 b. Presents techniques and strategies to deal with peer pressure and
28 offering positive reinforcement;
- 29 c. Presents reasons, skills, and strategies for remaining or becoming
30 abstinent from sexual activity;
- 31 d. Teaches that abstinence from sexual activity is the only certain
32 means of avoiding out-of-wedlock pregnancy, sexually transmitted



1 diseases when transmitted through sexual contact, including
2 HIV/AIDS, and other associated health and emotional problems;
3 e. Teaches that a mutually faithful monogamous heterosexual
4 relationship in the context of marriage is the best lifelong means of
5 avoiding sexually transmitted diseases, including HIV/AIDS;
6 f. Teaches the positive benefits of abstinence until marriage and the
7 risks of premarital sexual activity;
8 g. Provides opportunities that allow for interaction between the parent
9 or legal guardian and the student; and
10 h. Provides factually accurate biological or pathological information
11 that is related to the human reproductive system."

12 **SECTION 5.** G.S. 115C-81(e1) is amended by adding two new subdivisions to

13 read:

14 "(4a) Each local school administrative unit shall also offer an abstinence-based
15 comprehensive sexuality health education program commencing in the
16 seventh grade that includes the following instruction:

- 17 a. Teaches respect for marriage and committed relationships;
18 b. Teaches that abstinence from sexual intercourse is the only certain
19 way to prevent unintended pregnancy, reduce the risk of sexual
20 transmission of diseases, including HIV/AIDS, and provide
21 information about the value of abstinence;
22 c. Teaches about sexually transmitted diseases. Instruction shall include
23 how sexually transmitted diseases are and are not transmitted, the
24 effectiveness and safety of all federal Food and Drug Administration
25 (FDA)-approved methods of reducing the risk of contracting sexually
26 transmitted diseases, and information on local resources for testing
27 and medical care for sexually transmitted diseases;
28 d. Teaches about the effectiveness and safety of all FDA-approved
29 contraceptive methods in preventing pregnancy;
30 e. Teaches functional knowledge and essential skills to promote and
31 maintain healthy behaviors that value lifelong good health and
32 avoidance of risky behaviors such as alcohol and drug abuse,
33 intravenous drug abuse, and unprotected sexual activity;
34 f. Teaches awareness of sexual assault, sexual abuse, and risk
35 reduction. The instruction and materials shall:
36 1. Focus on healthy relationships;
37 2. Teach students what constitutes sexual assault and sexual
38 abuse, the causes of those behaviors, and risk reduction;
39 3. Inform students about resources and reporting procedures if
40 they experience sexual assault or sexual abuse; and
41 4. Examine common misconceptions and stereotypes about
42 sexual assault and sexual abuse;
43 g. Provides opportunities that allow for interaction between the parent
44 or legal guardian and the student;
45 h. Provides that materials used in instruction shall be age appropriate
46 for use with students; and
47 i. Provides that information conveyed during the instruction shall be
48 objective and based upon scientific research that is peer reviewed and
49 accepted by professionals and credentialed experts in the field of
50 sexual health education.

1 (4b) Each local school administrative unit shall (i) submit to all parents or
2 guardians of students in grades seven through nine consent forms explaining
3 the two available tracks, abstinence only until marriage and abstinence-based
4 comprehensive sexuality education, and (ii) ask that each parent select a
5 track for his or her child and return the signed consent form to the school.
6 The consent form shall contain a statement in bold print that if the signed
7 form is not returned to the school, the student will be enrolled in the
8 abstinence-based comprehensive sexuality education program. Schools shall
9 offer both options to all parents of students attending public school grades
10 seven through nine."

11 **SECTION 6.** G.S. 115C-81(e1)(5) reads as rewritten:

12 "(5) The State Board of Education shall make available to all local school
13 administrative units for review by the parents and legal guardians of students
14 enrolled at that unit any State-developed objectives for instruction, any
15 approved textbooks, the list of reviewed materials, and any other
16 State-developed or approved materials that pertain to or are intended to
17 impart information or promote discussion or understanding in regard to the
18 prevention of sexually transmitted diseases, including HIV/AIDS, to the
19 avoidance of out-of-wedlock pregnancy, or to the abstinence only until
20 marriage ~~curriculum~~curriculum or abstinence-based comprehensive
21 sexuality curriculum. The review period shall extend for at least 60 days
22 before use."

23 **SECTION 7.** G.S. 115C-81(e1)(6) is repealed.

24 **SECTION 8.** G.S. 115C-81(e1)(7) reads as rewritten:

25 "(7) Each school year, before students may participate in any portion of (i) a
26 program that pertains to or is intended to impart information or promote
27 discussion or understanding in regard to the prevention of sexually
28 transmitted diseases, including HIV/AIDS, or to the avoidance of
29 out-of-wedlock pregnancy, (ii) an abstinence only until marriage program, or
30 (iii) ~~a comprehensive sex~~an abstinence-based comprehensive sexuality
31 education program, whether developed by the State or by the local board of
32 education, the parents and legal guardians of those students shall be given an
33 opportunity to review the objectives and materials. Local boards of
34 education shall adopt policies to provide opportunities either for parents and
35 legal guardians to consent or for parents and legal guardians to withhold
36 their consent to the students' participation in any or all of these programs."

37 **SECTION 9.** This act is effective when it becomes law and applies beginning with
38 the 2009-2010 school year.