

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 88  
Committee Substitute Favorable 4/8/09  
Committee Substitute #2 Favorable 4/9/09  
Fourth Edition Engrossed 4/16/09  
Senate Mental Health & Youth Services Committee Substitute Adopted 6/10/09  
Sixth Edition Engrossed 6/23/09

Short Title: Healthy Youth Act.

(Public)

Sponsors:

Referred to:

February 9, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT LOCAL SCHOOL ADMINISTRATIVE UNITS TO PROVIDE  
3 REPRODUCTIVE HEALTH AND SAFETY EDUCATION 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; Reproductive health and safety~~  
9 ~~education; and~~".

10 **SECTION 3.** G.S. 115C-81(e1)(3) is repealed.

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

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

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



diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional ~~problems;~~problems.

- e. Teaches that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including ~~HIV/AIDS;~~HIV/AIDS.
- f. Teaches the positive benefits of abstinence until marriage and the risks of premarital sexual ~~activity;~~activity.
- g. Provides opportunities that allow for interaction between the parent or legal guardian and the ~~student;~~ and student.
- h. Provides factually accurate biological or pathological information that is related to the human reproductive system.

Materials used in this instruction shall be age appropriate for use with students. Information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education."

**SECTION 5.** G.S. 115C-81(e1) is amended by adding a new subdivision to read:

"(4a) Each local school administrative unit shall also include as part of the instruction required under subdivision (4) of this subsection the following instruction:

- a. Teaches about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases. Instruction shall include the rates of infection among pre-teen and teens of each known sexually transmitted disease and the effects of contracting each sexually transmitted disease. In particular, the instruction shall include information about the effects of contracting the Human Papilloma Virus, including sterility and cervical cancer.
- b. Teaches about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.
- c. Teaches awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:
  - 1. Focus on healthy relationships.
  - 2. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction.
  - 3. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse.
  - 4. Examine common misconceptions and stereotypes about sexual assault and sexual abuse.

Materials used in this instruction shall be age appropriate for use with students. Information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education. Each local board of education shall adopt a policy and provide a mechanism to allow a parent or a guardian to withdraw his or her child from instruction required under this subdivision."

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

2           "(5) The State Board of Education shall make available to all local school  
3           administrative units for review by the parents and legal guardians of students  
4           enrolled at that unit any State-developed objectives for instruction, any  
5           approved textbooks, the list of reviewed materials, and any other  
6           State-developed or approved materials that pertain to or are intended to  
7           impart information or promote discussion or understanding in regard to the  
8           prevention of sexually transmitted diseases, including HIV/AIDS, to the  
9           avoidance of out-of-wedlock pregnancy, or to the ~~abstinence-until-marriage~~  
10          ~~curriculum-reproductive health and safety education curriculum.~~ The review  
11          period shall extend for at least 60 days before use."

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

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

14          "(7) Each school year, before students may participate in any portion of (i) a  
15          program that pertains to or is intended to impart information or promote  
16          discussion or understanding in regard to the prevention of sexually  
17          transmitted diseases, including HIV/AIDS, or to the avoidance of  
18          out-of-wedlock pregnancy, ~~(ii) an abstinence-until-marriage program, or (iii)~~  
19          ~~a comprehensive sex or~~ (ii) a reproductive health and safety education  
20          program, whether developed by the State or by the local board of education,  
21          the parents and legal guardians of those students shall be given an  
22          opportunity to review the objectives and materials. Local boards of  
23          education shall adopt policies to provide opportunities either for parents and  
24          legal guardians to consent or for parents and legal guardians to withhold  
25          their consent to the students' participation in any or all of these programs."

26          **SECTION 9.** G.S. 115C-81(e1) is amended by adding a new subdivision to read:

27          "(11) Each local school administrative unit shall provide a comprehensive school  
28          health education program that meets all the requirements of this subsection  
29          and all the objectives established by the State Board. Each local board of  
30          education may expand on the subject areas to be included in the program and  
31          on the instructional objectives to be met."

32          **SECTION 10.** This act is effective when it becomes law and applies beginning  
33          with the 2010-2011 school year.