

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

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10 **SECTION 3.** G.S. 115C-81(e1)(3) is repealed.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
33 diseases when transmitted through sexual contact, including



1 HIV/AIDS, and other associated health and emotional
2 ~~problems;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
6 ~~HIV/AIDS;HIV/AIDS.~~
- 7 f. Teaches the positive benefits of abstinence until marriage and the
8 risks of premarital sexual ~~activity;activity.~~
- 9 g. Provides opportunities that allow for interaction between the parent
10 or legal guardian and the ~~student; and student.~~
- 11 h. Provides factually accurate biological or pathological information
12 that is related to the human reproductive system.

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

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

19 "(4a) Each local school administrative unit shall also include as part of the
20 instruction required under subdivision (4) of this subsection the following
21 instruction:

- 22 a. 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 b. Teaches about the effectiveness and safety of all FDA-approved
29 contraceptive methods in preventing pregnancy;
- 30 c. Teaches awareness of sexual assault, sexual abuse, and risk
31 reduction. The instruction and materials shall:
- 32 1. Focus on healthy relationships.
 - 33 2. Teach students what constitutes sexual assault and sexual
34 abuse, the causes of those behaviors, and risk reduction.
 - 35 3. Inform students about resources and reporting procedures if
36 they experience sexual assault or sexual abuse.
 - 37 4. Examine common misconceptions and stereotypes about
38 sexual assault and sexual abuse.

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

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

47 "(5) The State Board of Education shall make available to all local school
48 administrative units for review by the parents and legal guardians of students
49 enrolled at that unit any State-developed objectives for instruction, any
50 approved textbooks, the list of reviewed materials, and any other
51 State-developed or approved materials that pertain to or are intended to

1 impart information or promote discussion or understanding in regard to the
2 prevention of sexually transmitted diseases, including HIV/AIDS, to the
3 avoidance of out-of-wedlock pregnancy, or to the ~~abstinence until marriage~~
4 ~~curriculum~~ reproductive health and safety education curriculum. The review
5 period shall extend for at least 60 days before use."

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

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

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

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

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

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