

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 19-0032.03 Shelby Ross x4510

**HOUSE BILL 19-1032**

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**A BILL FOR AN ACT**

101 **CONCERNING COMPREHENSIVE HUMAN SEXUALITY EDUCATION, AND,**  
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill moves provisions of the statutory legislative declaration to a nonstatutory legislative declaration.

The bill clarifies content requirements for public schools that offer comprehensive human sexuality education and prohibits instruction from explicitly or implicitly teaching or endorsing religious ideology or sectarian tenets or doctrines, using shame-based or stigmatizing language

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

SENATE  
Amended 2nd Reading  
May 2, 2019

HOUSE  
3rd Reading Unamended  
February 19, 2019

HOUSE  
Amended 2nd Reading  
February 15, 2019

or instructional tools, employing gender norms or gender stereotypes, or excluding the relational or sexual experiences of lesbian, gay, bisexual, or transgender individuals.

Current law provides for a comprehensive human sexuality education grant program. The bill amends certain provisions of the grant program to:

- ! Require the department of public health and environment to submit an annual report concerning the outcomes of the grant program indefinitely;
- ! Add 8 representatives to the oversight entity and require membership of the oversight entity to be comprised of at least 7 members who are members of groups of people who have been or might be discriminated against;
- ! Require grant applicants to demonstrate a need for money to implement comprehensive human sexuality education;
- and
- ! Require that rural public schools or public schools that do not currently offer comprehensive human sexuality education receive priority when selecting grant applicants.

The bill provides a general appropriation of at least \$1 million annually for the grant program.

The bill prohibits the state board of education from waiving the content requirements for any public school that provides comprehensive human sexuality education.

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1 *Be it enacted by the General Assembly of the State of Colorado:*  
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3            ====  
4            **SECTION 1. Legislative declaration.** (1) The general assembly  
5 finds that when accounting for all fifty states and the District of  
6 Columbia, Colorado is the only state that does not have a health  
7 graduation requirement. Twenty-four states and the District of Columbia  
8 mandate sexual health education as a graduation requirement, and  
9 thirty-four states and the District of Columbia mandate human  
10 immunodeficiency virus (HIV) education as a graduation requirement.  
11 Colorado does not mandate sexual health education or HIV education.

1            **SECTION 2.** In Colorado Revised Statutes, 22-1-128, **amend**  
2            **(2)(c), (6) introductory portion, (6)(b), (6)(c), (6)(f), (6)(g), (7), (9), and**  
3            **(11); and add (2)(b.5), (2)(d.3), (2)(d.5), (2)(d.7), (2)(d.9), (6)(i), (6)(j),**  
4            **(6.5), and (12) as follows:**

5            **22-1-128. Comprehensive human sexuality education -**  
6            **legislative declaration - definitions - guidelines and content**  
7            **standards.** (2) As used in this section, unless the context otherwise  
8            **requires:**

9            **(b.5) "CONSENT" MEANS THE AFFIRMATIVE, UNAMBIGUOUS,**  
10           **VOLUNTARY, CONTINUOUS, KNOWING AGREEMENT BETWEEN ALL**  
11           **PARTICIPANTS IN EACH PHYSICAL ACT WITHIN THE COURSE OF A SEXUAL**  
12           **ENCOUNTER OR INTERPERSONAL RELATIONSHIP.**

13           **(c) "Culturally sensitive" means the integration of knowledge**  
14           **about individuals and groups of people into specific standards,**  
15           **requirements, policies, practices, and attitudes used to increase the quality**  
16           **of services. "Culturally sensitive" includes resources, references, and**  
17           **information that are meaningful to the experiences and needs of**  
18           **communities of color; immigrant communities; lesbian, gay, bisexual, and**  
19           **transgender communities; PEOPLE WHO ARE INTERSEX; people with**  
20           **physical or intellectual disabilities; people who have experienced sexual**  
21           **victimization; and others whose experiences have traditionally been left**  
22           **out of sexual health education, programs, and policies.**

23           **(d.3) "GENDER STEREOTYPE" MEANS A GENERALIZED VIEW OR**  
24           **PRECONCEPTION ABOUT WHAT ATTRIBUTES, CHARACTERISTICS, OR ROLES**  
25           **ARE, OR OUGHT TO BE, TAUGHT, POSSESSED BY, OR PERFORMED BY WOMEN**  
26           **AND MEN.**

27           **(d.5) "HEALTHY RELATIONSHIP" MEANS AN INTERPERSONAL**

1 RELATIONSHIP THAT IS FREE OF PHYSICAL, SEXUAL, AND EMOTIONAL  
2 ABUSE, COERCION, AND VIOLENCE.

3 (d.7) "HUMAN SEXUALITY INSTRUCTION" OR "INSTRUCTION"  
4 MEANS AN ORAL, WRITTEN, OR DIGITAL LESSON, LECTURE, OR  
5 PRESENTATION GIVEN BY SCHOOL STAFF OR NONSCHOOL STAFF THAT  
6 TEACHES ABOUT ABSTINENCE OR SEXUAL ACTIVITY IN THE CONTEXT OF  
7 STUDENT HEALTH OR HEALTHY RELATIONSHIPS. INSTRUCTION DOES NOT  
8 INCLUDE STUDENT SPEECH.

9 (d.9) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY  
10 RESEARCH CONDUCTED IN COMPLIANCE WITH SCIENTIFIC METHODS AND  
11 PUBLISHED IN PEER-REVIEWED JOURNALS, WHERE APPROPRIATE, AND  
12 RECOGNIZED AS ACCURATE, OBJECTIVE, AND UNBIASED BY THE AMERICAN  
13 PUBLIC HEALTH ASSOCIATION, THE AMERICAN ACADEMY OF PEDIATRICS,  
14 OR THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS.

15 (6) Except as described in subsection (9) of this section, HUMAN  
16 SEXUALITY INSTRUCTION IS NOT REQUIRED. HOWEVER, IF a school district,  
17 board of cooperative services, charter school, or institute charter school  
18 that offers a planned curriculum related to comprehensive human  
19 sexuality education must, in offering such a curriculum, maintain  
20 established requirements for the comprehensive human sexuality  
21 curriculum INSTRUCTION, THE INSTRUCTION MUST BE COMPREHENSIVE  
22 AND MEET THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT  
23 REQUIREMENTS. These requirements must:

24 (b) Include medically accurate information about methods to  
25 prevent unintended pregnancy and sexually transmitted infections,  
26 including HIV/AIDS, and the link between human papillomavirus and  
27 cancer. Methods TAUGHT shall include information about the correct and

1 consistent use of abstinence, contraception, INCLUDING ALL FDA  
2 APPROVED FORMS OF CONTRACEPTION, condoms, and other barrier  
3 methods AND MUST BE TAUGHT IN A COHESIVE, INTEGRATED, OBJECTIVE  
4 MANNER SO THAT YOUTH LEARN THE FULL SCOPE OF PREVENTIVE  
5 METHODS AVAILABLE TO THEM AND ARE EMPOWERED TO DECIDE FOR  
6 THEMSELVES WHICH PREVENTIVE METHODS ARE BEST SUITED FOR THEIR  
7 INDIVIDUAL NEEDS, BELIEFS, AND VALUES.

8 (c) Include instruction to help students develop skills for making  
9 responsible and healthy decisions about human sexuality, personal power,  
10 boundary setting, developing safe and healthy relationships, and resisting  
11 peer pressure, including how to avoid PROMOTE THE DEVELOPMENT OF  
12 HEALTHY RELATIONSHIPS BY PROVIDING HUMAN SEXUALITY INSTRUCTION  
13 ON:

14 (I) HOW TO COMMUNICATE CONSENT, RECOGNIZE  
15 COMMUNICATION OF CONSENT, RECOGNIZE WITHDRAWAL OF CONSENT,  
16 AND UNDERSTAND AGE OF CONSENT AS IT RELATES TO SECTION 18-3-402:

17 (H) (II) Making HOW TO AVOID MAKING unwanted verbal, physical,  
18 and sexual advances; and

19 (H) (III) Making HOW TO AVOID MAKING assumptions about a  
20 person's supposed sexual intentions based on that person's appearance OR  
21 SEXUAL HISTORY; AND

22 (IV) HOW TO AVOID PURSUING A SEXUAL ENCOUNTER WITH A  
23 PERSON OR PERSUADING A PERSON TO PARTICIPATE IN A SEXUAL  
24 ENCOUNTER WHEN THAT PERSON HAS NOT PROVIDED CONSENT OR HAS  
25 WITHDRAWN CONSENT;

26 (f) Be comprehensive, age-appropriate, evidence-based, culturally  
27 sensitive, inclusive of a positive youth development framework, and

1 medically accurate:

2 (i) NOT EMPHASIZE SEXUAL ABSTINENCE AS THE PRIMARY OR SOLE  
3 ACCEPTABLE PREVENTIVE METHOD AVAILABLE TO STUDENTS. A SCHOOL  
4 DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR  
5 INSTITUTE CHARTER SCHOOL SHALL NOT ENGAGE THE INSTRUCTIONAL  
6 SERVICES OF AN ORGANIZATION OR INDIVIDUAL THAT IS A DIRECT OR  
7 INDIRECT RECIPIENT OF MONEY FROM THE FEDERAL GOVERNMENT  
8 PURSUANT TO 42 U.S.C. SEC. 710, AS AMENDED, BECAUSE THE GUIDELINES  
9 OF 42 U.S.C. SEC. 710 ARE INCONSISTENT WITH THE PROVISIONS OF THIS  
10 SECTION; AND

11 (j) PROVIDE AGE-APPROPRIATE INFORMATION CONCERNING  
12 SECTIONS 18-6-401 (9) AND 19-3-304.5, OR ANY SUCCESSOR LAWS,  
13 REFERRED TO GENERALLY AS "SAFE HAVEN LAWS", RELATING TO THE SAFE  
14 ABANDONMENT OF A CHILD TO A FIREFIGHTER AT A FIRE STATION OR TO A  
15 STAFF MEMBER AT A HOSPITAL OR A COMMUNITY CLINIC EMERGENCY  
16 CENTER WITHIN THE FIRST SEVENTY-TWO HOURS OF THE CHILD'S LIFE.

17 (6.5) COMPREHENSIVE HUMAN SEXUALITY EDUCATION DOES NOT  
18 REQUIRE INSTRUCTION ON PREGNANCY OUTCOME OPTIONS. HOWEVER, IF  
19 A PUBLIC SCHOOL OPTS TO PROVIDE INSTRUCTION ON PREGNANCY  
20 OUTCOME OPTIONS, THE INSTRUCTION MUST COVER ALL PREGNANCY  
21 OUTCOME OPTIONS, INCLUDING BUT NOT LIMITED TO ADOPTION,  
22 ABORTION, PARENTING, AND INFORMATION CONCERNING SECTIONS  
23 18-6-401 (9) AND 19-3-304.5, OR ANY SUCCESSOR LAWS, REFERRED TO  
24 GENERALLY AS "SAFE HAVEN LAWS." INSTRUCTION ON PREGNANCY  
25 OUTCOME OPTIONS MUST BE PROVIDED IN AN OBJECTIVE, UNBIASED  
26 MANNER AND MUST NOT ENDORSE OR FAVOR ONE OR MORE PREGNANCY  
27 OUTCOME OPTIONS.

1           (7) (a) Nothing in subsection (6) OR (6.5) of this section shall be  
2 interpreted to prohibit discussion of health, moral, ethical, or religious  
3 values as they pertain to comprehensive human sexuality, healthy  
4 relationships, or family formation. SUCH DISCUSSION IS ENCOURAGED.

5           (b) HOWEVER, HUMAN SEXUALITY INSTRUCTION MUST NOT  
6 EXPLICITLY OR IMPLICITLY:

7           (I) USE SHAME-BASED OR STIGMATIZING LANGUAGE OR  
8 INSTRUCTIONAL TOOLS;

9           (II) EMPLOY GENDER STEREOTYPES; OR

10          (III) EXCLUDE THE HEALTH NEEDS OF INTERSEX INDIVIDUALS OR  
11 LESBIAN, GAY, BISEXUAL, OR TRANSGENDER INDIVIDUALS.

12          (11) The provisions of this section shall not apply to students in  
13 kindergarten through third grade. unless the content of the instruction  
14 relates to personal hygiene, healthy habits, respecting personal space and  
15 boundaries, interpersonal communication skills, and personal safety, as  
16 identified in the content standards developed by the department and  
17 adopted by the state board.

18          (12) A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,  
19 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY SEEK GRANT  
20 MONEY PURSUANT TO ARTICLE 44 OF TITLE 25 TO IMPLEMENT THE  
21 COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT REQUIREMENTS  
22 SET FORTH IN THIS SECTION. HOWEVER, COMPLIANCE WITH THIS SECTION  
23 IS NOT CONTINGENT UPON RECEIPT OF GRANT MONEY PURSUANT TO  
24 ARTICLE 44 OF TITLE 25, NOR IS IT CONTINGENT ON RECEIPT OF ANY OTHER  
25 STATE OR FEDERAL FUNDS, OR PUBLIC OR PRIVATE GIFTS, GRANTS, OR  
26 DONATIONS.

27          **SECTION 3. In Colorado Revised Statutes, 25-44-101, repeal**

1 (2); and add (6.5) as follows:

2 **25-44-101. Definitions.** As used in this article ARTICLE 44, unless  
3 the context otherwise requires:

4 (2) "Cash fund" means the comprehensive human sexuality  
5 education grant program cash fund created in section 25-44-104.

6 (6.5) "MEDICALLY ACCURATE" HAS THE SAME MEANING AS  
7 DEFINED IN SECTION 22-1-128.

8 **SECTION 4.** In Colorado Revised Statutes, **amend** 25-44-102 as  
9 follows:

10 **25-44-102. Comprehensive human sexuality education grant**  
11 **program - creation - notification to schools - report - rules.** (1) There  
12 is hereby created in the department the comprehensive human sexuality  
13 education grant program. The purpose of the program is to provide  
14 ~~moneys~~ MONEY to public schools and school districts for use in the  
15 creation and implementation of comprehensive human sexuality  
16 education ~~programs in their curriculum~~ PURSUANT TO SECTION 22-1-128.

17 (2) Upon receipt of federal ~~moneys~~ MONEY or other  
18 appropriations, ~~to the cash fund~~, the department, in conjunction with the  
19 oversight entity, shall notify the school districts, the state charter school  
20 institute, and boards of cooperative services throughout the state of grants  
21 available through the program.

22 (3) Based on the recommendations of the oversight entity, the  
23 department shall award grants to public schools and school districts for  
24 periods of one to three years.

25 (4) ~~Moneys~~ MONEY distributed to public schools and school  
26 districts through the program must only be used for the provision of  
27 ~~comprehensive human sexuality education programs~~ INSTRUCTION that



1 ~~comply~~ COMPLIES with the provisions of and meet or exceed the CONTENT  
2 requirements for comprehensive human sexuality ~~curriculum~~ EDUCATION  
3 set forth in section 22-1-128 ~~C.R.S.~~, and developed pursuant to section  
4 22-25-104 (3). ~~C.R.S.~~

5 (5) On or before ~~December 1, 2013~~ DECEMBER 1, 2019, or not  
6 more than ninety days after the department receives sufficient ~~moneys~~  
7 MONEY to implement the program, whichever is later, the state board shall  
8 promulgate rules, IF NECESSARY, for the administration of this ~~article~~  
9 ARTICLE 44, using the recommendations developed by the oversight entity  
10 pursuant to section 25-44-103 (2)(b).

11 (6) (a) On or before ~~January 30, 2017~~ JANUARY 30, 2021, and  
12 every year thereafter in which grants have been awarded pursuant to this  
13 ~~article~~ ARTICLE 44, the department shall submit a report concerning the  
14 outcomes of the program to the state board of education, the department  
15 of education, and the education committees of the senate and house of  
16 representatives, the health and human services committee of the senate,  
17 and the public health care and human services committee of the house of  
18 representatives, or any successor committees. The report must include, at  
19 a minimum:

20 (I) The number of public schools and school districts that received  
21 a grant under the program;

22 (II) The number of students reached and the ~~curriculum~~  
23 INSTRUCTION utilized;

24 (III) The amount of each grant awarded;

25 (IV) The average amount of all grants awarded; and

26 (V) ~~The source and amount of each gift, grant, or donation~~  
27 ~~received by the department for the implementation of this article~~ AN

1 ANALYSIS BY THE DEPARTMENT OF THE IMPACT OF FUNDING.

2 (b) ~~Pursuant to~~ NOTWITHSTANDING THE PROVISIONS OF section  
3 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN this subsection (6) is  
4 ~~repealed, effective July 2, 2020~~ CONTINUES INDEFINITELY.

5 (7) Notwithstanding any other provision of this ~~article~~ ARTICLE 44,  
6 the department ~~shall~~ IS not ~~be~~ required to implement the provisions of this  
7 ~~article~~ ARTICLE 44 until sufficient ~~moneys have~~ MONEY HAS been received  
8 and transferred or appropriated. ~~to the cash fund.~~

9 (8) ~~The provisions of this article shall not apply to students in~~  
10 ~~kindergarten through third grade unless the content of the instruction~~  
11 ~~relates to personal hygiene, healthy habits, respecting personal space and~~  
12 ~~boundaries, interpersonal communication skills, and personal safety, as~~  
13 ~~identified in the content standards developed by the department of~~  
14 ~~education and adopted by the state board of education.~~

15 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-44-103 as  
16 follows:

17 **25-44-103. Comprehensive human sexuality education grant**  
18 **program - oversight entity - duties - application process.** (1) On or  
19 before ~~July 1, 2013~~ JULY 1, 2019, the department shall convene the  
20 interagency youth sexual health team, referred to in this ~~article~~ ARTICLE  
21 44 as the "oversight entity". Membership of the oversight entity must  
22 include:

23 (a) The executive director of the department of public health and  
24 environment, or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee;

25 (b) The executive director of the department of health care policy  
26 and financing, or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee;

27 (c) The commissioner of education, or ~~his or her~~ THE

- 1 COMMISSIONER'S designee;
- 2 (d) The executive director of the department of human services,  
3 or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee; and
- 4 (e) A parent representative; ~~appointed by the department of health.~~
- 5 (f) A YOUTH REPRESENTATIVE;
- 6 (g) A REPRESENTATIVE OF KINDERGARTEN THROUGH  
7 TWELFTH-GRADE EDUCATORS;
- 8 (h) A REPRESENTATIVE OF SCHOOL-BASED HEALTH CENTERS OR A  
9 SCHOOL NURSE;
- 10 (i) A REPRESENTATIVE OF A STATEWIDE COALITION FOR SURVIVORS  
11 OF SEXUAL ASSAULT;
- 12 (j) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS  
13 OF YOUTH OF COLOR;
- 14 (k) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS  
15 OF IMMIGRANTS;
- 16 (l) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS  
17 OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH;
- 18 (m) A REPRESENTATIVE FROM AN INTERFAITH ORGANIZATION; AND
- 19 (n) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS  
20 OF INTERSEX INDIVIDUALS.

21 (1.5) THE MEMBERS SPECIFIED IN SUBSECTIONS (1)(e) TO (1)(n) OF  
22 THIS SECTION SHALL BE APPOINTED BY THE DEPARTMENT. THE  
23 MEMBERSHIP OF THE OVERSIGHT ENTITY SHALL AT ALL TIMES REPRESENT  
24 DIVERSE COMMUNITY PERSPECTIVE AND MAKE AN EFFORT TO INCLUDE  
25 COMMITTEE MEMBERS WHO ARE DIVERSE WITH REGARDS TO DISABILITY,  
26 RACE, CREED, COLOR, GENDER, GENDER EXPRESSION, IMMIGRATION  
27 STATUS, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, MARITAL

1 STATUS, RELIGION, AGE, ENGLISH PROFICIENCY, INCOME, AND  
2 GEOGRAPHIC REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL  
3 AREAS.

4 (1.7) THE PARENT REPRESENTATIVE AND YOUTH REPRESENTATIVE  
5 DESCRIBED IN SUBSECTIONS (1)(e) AND (1)(f) OF THIS SECTION ARE  
6 ENTITLED TO RECEIVE REIMBURSEMENT FOR NECESSARY EXPENSES  
7 INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES, INCLUDING  
8 DEPENDENT OR ATTENDANT CARE.

9 (2) The oversight entity has the following duties:

10 (a) During the ~~2013-14~~ 2019-20 academic year and every  
11 academic year thereafter, to assess opportunities for available federal and  
12 state ~~moneys to fund~~ MONEY FOR the program; except that the oversight  
13 entity shall not recommend applying for any federal or state ~~moneys~~  
14 MONEY that ~~promote~~ PROMOTES SEXUAL abstinence as the sole ~~behavioral~~  
15 ACCEPTABLE PREVENTIVE method for youth or ~~funding~~ MONEY requiring  
16 adherence to the ~~A-H~~ guidelines of section 510 (b) of title V of the  
17 federal "Social Security Act", ~~Pub. L. 104-193~~ 42 U.S.C. SEC. 710, AS  
18 AMENDED, which are inconsistent with the provisions of section 22-1-128.  
19 ~~C.R.S.~~ The oversight entity ~~will~~ SHALL provide information to the  
20 appropriate state departments concerning available federal and state  
21 ~~moneys~~ MONEY related to comprehensive human sexuality education  
22 ~~funds~~ for which a given department is eligible to apply.

23 (b) To develop policies and procedures for the implementation of  
24 the program and recommend such policies and procedures to the state  
25 board for adoption by rule pursuant to section 25-44-102. The policies  
26 and procedures must include but are not limited to:

27 (I) A process by which public schools and school districts ~~will be~~

1 ARE notified of available program ~~funds~~ MONEY for comprehensive  
2 human sexuality education;

3 (II) The procedures by which public schools and school districts  
4 may apply for grants pursuant to this ~~article~~ ARTICLE 44. Each grant  
5 application must, at a minimum, describe:

6 (A) How the applicant public school or school district ~~will~~ MUST  
7 use any awarded grant ~~moneys~~ MONEY to provide comprehensive human  
8 sexuality education to its student population;

9 (B) How the proposed comprehensive human sexuality education  
10 program complies with THE CONTENT REQUIREMENTS OF section 22-1-128  
11 ~~C.R.S.~~, and article 25 of title 22 ~~C.R.S.~~, and is ~~evidence-based~~  
12 MEDICALLY ACCURATE, culturally sensitive, and represents positive youth  
13 development principles;

14 (C) How many students the public school or school district  
15 expects to reach through the comprehensive human sexuality education  
16 program; ~~and~~

17 (D) The length of time for which the applicant is requesting grant  
18 ~~moneys~~ MONEY; AND

19 (E) DEMONSTRATED EVIDENCE OF THE NEED FOR MONEY NEEDED  
20 FOR AN APPLICANT SCHOOL DISTRICT OR PUBLIC SCHOOL TO IMPLEMENT  
21 COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO SECTION  
22 22-1-128;

23 (III) Criteria for the oversight entity to apply in selecting public  
24 schools and school districts that may receive grants and how to determine  
25 the amount of grant ~~moneys~~ MONEY to be awarded to each grant recipient.  
26 The criteria must include a requirement that the proposed comprehensive  
27 human sexuality education program complies with sections 22-1-128 and

1 22-25-104 ~~C.R.S.~~, and is ~~evidence-based~~ MEDICALLY ACCURATE,  
2 culturally sensitive, and represents positive youth development principles.  
3 THE CRITERIA MUST ALSO INCLUDE A REQUIREMENT THAT RURAL PUBLIC  
4 SCHOOLS OR PUBLIC SCHOOLS THAT DO NOT CURRENTLY OFFER  
5 COMPREHENSIVE HUMAN SEXUALITY EDUCATION RECEIVE PRIORITY WHEN  
6 SELECTING GRANT RECIPIENTS.

7 (c) In conjunction with the department, to solicit grant  
8 applications from public schools and school districts; AND

9 (d) To review grant applications and, based on the criteria  
10 developed pursuant to ~~paragraph (b)~~ SUBSECTION (2)(b) of this ~~subsection~~  
11 SECTION, make recommendations to the department concerning which  
12 public schools or school districts should receive grants and in what  
13 amount.

14 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**  
15 **with amendments,** 25-44-104 as follows:

16 **25-44-104. Appropriation - gifts, grants, and donations - uses.**

17 (1) BEGINNING IN THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR  
18 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AT  
19 LEAST ONE MILLION DOLLARS TO THE DEPARTMENT FOR THE  
20 COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM.

21 (2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR  
22 PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE  
23 SOURCES TO IMPLEMENT THIS ARTICLE 44; EXCEPT THAT THE DEPARTMENT  
24 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO  
25 CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF SECTION  
26 25-44-102 (2) OR ANY OTHER STATE LAW. THE DEPARTMENT IS  
27 AUTHORIZED TO EXPEND A REASONABLE AMOUNT OF THE MONEY

1 APPROPRIATED OR RECEIVED FOR THE PROGRAM FOR THE DIRECT AND  
2 INDIRECT COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM, UNLESS  
3 OTHERWISE PROVIDED BY ANY PROVISION RELATED TO THE DEPARTMENT'S  
4 RECEIPT OF FEDERAL MONEY THAT IS APPLIED TO THE PROGRAM.

5 **SECTION 7.** In Colorado Revised Statutes, 22-2-117, **amend**  
6 (1)(b)(VI) and (1)(b)(VII); and **add** (1)(b)(VIII) as follows:

7 **22-2-117. Additional power - state board - waiver of**  
8 **requirements - rules.** (1) (b) The state board shall not waive any of the  
9 requirements specified in any of the following statutory provisions:

10 (VI) The requirement to post on the internet the statutes for which  
11 waivers are granted as provided in section 22-44-305; ~~or~~

12 (VII) Any provisions of section 22-1-130, relating to notification  
13 to parents of alleged criminal conduct by school district employees; OR

14 (VIII) ANY PROVISIONS OF SECTION 22-1-128, RELATING TO  
15 COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT  
16 REQUIREMENTS.

17 **SECTION 8.** In Colorado Revised Statutes, 22-25-110, **amend**  
18 (2) introductory portion; and **repeal** (2)(c) as follows:

19 **22-25-110. Funding of existing programs - operation of other**  
20 **health education programs.** (2) Nothing in this ~~article shall be~~  
21 ~~interpreted to require~~ ARTICLE 25 REQUIRES a school district or board of  
22 cooperative services to establish a local comprehensive health education  
23 program nor shall it be interpreted to prevent a school district or board of  
24 cooperative services from offering a health education program ~~which~~  
25 THAT is not operated under the requirements of this ~~article~~ ARTICLE 25;  
26 except that any school district or board of cooperative services offering  
27 such a health education program shall:

1 (c) ~~Unless the school district or board of cooperative services is~~  
2 ~~receiving direct or indirect funding from the federal government for the~~  
3 ~~provision of an abstinence education program pursuant to 42 U.S.C. sec.~~  
4 ~~710 as described in section 22-1-128 (9), comply with the requirements~~  
5 ~~specified in section 22-1-128 (6) regarding the adoption of science-based~~  
6 ~~content standards for instruction regarding human sexuality.~~

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8 **SECTION 9. Appropriation.** (1) For the 2019-20 state fiscal  
9 year, \$12,405 is appropriated to the department of public health and  
10 environment. This appropriation is from the general fund. To implement  
11 this act, the department may use this appropriation as follows:

12 (a) \$11,274 for personal services related to administration and  
13 support, which amount is based on an assumption that the department will  
14 require an additional 0.2 FTE; and

15 (b) \$1,131 for operating expenses related to administration and  
16 support.

17 (2) For the 2019-20 state fiscal year, \$987,595 is appropriated to  
18 the department of public health and environment for use by the prevention  
19 services division. This appropriation is from the general fund, and is  
20 based on an assumption that the division will require an additional 1.3  
21 FTE. To implement this act, the division may use this appropriation for  
22 sexual health education.

23 **SECTION 10. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.