

SENATE FLOOR AMENDMENT

Second Reading

BY SENATORS Todd and Coram

1 Strike the Health & Human Services Committee Report, dated February
2 28, 2019, and substitute:

3 "Amend reengrossed bill, page 2, strike lines 2 through 11.

4 Strike pages 3 through 17.

5 Page 18, strike lines 1 through 4 and substitute:

6 **"SECTION 1. Legislative declaration.** (1) The general
7 assembly finds that when accounting for all fifty states and the District of
8 Columbia, Colorado is the only state that does not have a health
9 graduation requirement. Twenty-four states and the District of Columbia
10 mandate sexual health education as a graduation requirement, and
11 thirty-four states and the District of Columbia mandate human
12 immunodeficiency virus (HIV) education as a graduation requirement.
13 Colorado does not mandate sexual health education or HIV education.

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

18 **22-1-128. Comprehensive human sexuality education -**
19 **legislative declaration - definitions - guidelines and content**
20 **standards.** (2) As used in this section, unless the context otherwise
21 requires:

22 (b.5) "CONSENT" MEANS THE AFFIRMATIVE, UNAMBIGUOUS,
23 VOLUNTARY, CONTINUOUS, KNOWING AGREEMENT BETWEEN ALL
24 PARTICIPANTS IN EACH PHYSICAL ACT WITHIN THE COURSE OF A SEXUAL
25 ENCOUNTER OR INTERPERSONAL RELATIONSHIP.

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

30 (d.5) "HEALTHY RELATIONSHIP" MEANS AN INTERPERSONAL
31 RELATIONSHIP THAT IS FREE OF PHYSICAL, SEXUAL, AND EMOTIONAL
32 ABUSE, COERCION, AND VIOLENCE.

33 (d.7) "HUMAN SEXUALITY INSTRUCTION" OR "INSTRUCTION"
34 MEANS AN ORAL, WRITTEN, OR DIGITAL LESSON, LECTURE, OR
35 PRESENTATION GIVEN BY SCHOOL STAFF OR NONSCHOOL STAFF THAT
36 TEACHES ABOUT ABSTINENCE OR SEXUAL ACTIVITY IN THE CONTEXT OF
37 STUDENT HEALTH OR HEALTHY RELATIONSHIPS. INSTRUCTION DOES NOT

1 INCLUDE STUDENT SPEECH.

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

8 (6) ~~Except as described in subsection (9) of this section,~~ HUMAN
9 SEXUALITY INSTRUCTION IS NOT REQUIRED. HOWEVER, IF A SCHOOL DISTRICT,
10 BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL
11 ~~that offers a planned curriculum related to comprehensive human~~
12 ~~sexuality education must, in offering such a curriculum, maintain~~
13 ~~established requirements for the comprehensive human sexuality~~
14 ~~curriculum~~ INSTRUCTION, THE INSTRUCTION MUST BE COMPREHENSIVE
15 AND MEET THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT
16 REQUIREMENTS. These requirements must:

17 (b) Include medically accurate information about methods to
18 prevent unintended pregnancy and sexually transmitted infections,
19 including HIV/AIDS, and the link between human papillomavirus and
20 cancer. Methods TAUGHT shall include information about the correct and
21 consistent use of abstinence, contraception, INCLUDING ALL FDA
22 APPROVED FORMS OF CONTRACEPTION, condoms, and other barrier
23 methods AND MUST BE TAUGHT IN A COHESIVE, INTEGRATED, OBJECTIVE
24 MANNER SO THAT YOUTH LEARN THE FULL SCOPE OF PREVENTIVE
25 METHODS AVAILABLE TO THEM AND ARE EMPOWERED TO DECIDE FOR
26 THEMSELVES WHICH PREVENTIVE METHODS ARE BEST SUITED FOR THEIR
27 INDIVIDUAL NEEDS, BELIEFS, AND VALUES.

28 (c) ~~Include instruction to help students develop skills for making~~
29 ~~responsible and healthy decisions about human sexuality, personal power,~~
30 ~~boundary setting, developing safe and healthy relationships, and resisting~~
31 ~~peer pressure, including how to avoid~~ PROMOTE THE DEVELOPMENT OF
32 HEALTHY RELATIONSHIPS BY PROVIDING HUMAN SEXUALITY INSTRUCTION
33 ON:

34 (I) HOW TO COMMUNICATE CONSENT, RECOGNIZE
35 COMMUNICATION OF CONSENT, AND RECOGNIZE WITHDRAWAL OF
36 CONSENT;

37 (H) (II) ~~Making~~ HOW TO AVOID MAKING unwanted verbal, physical,
38 and sexual advances; and

39 (H) (III) ~~Making~~ HOW TO AVOID MAKING assumptions about a
40 person's supposed sexual intentions based on that person's appearance OR
41 SEXUAL HISTORY; AND

42 (IV) HOW TO AVOID PURSUING A SEXUAL ENCOUNTER WITH A
43 PERSON OR PERSUADING A PERSON TO PARTICIPATE IN A SEXUAL

1 ENCOUNTER WHEN THAT PERSON HAS NOT PROVIDED CONSENT OR HAS
2 WITHDRAWN CONSENT;

3 (f) Be comprehensive, age-appropriate, ~~evidence-based~~, culturally
4 sensitive, inclusive of a positive youth development framework, and
5 medically accurate;

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

15 (6.5) COMPREHENSIVE HUMAN SEXUALITY EDUCATION DOES NOT
16 REQUIRE INSTRUCTION ON PREGNANCY OUTCOME OPTIONS. HOWEVER, IF
17 A PUBLIC SCHOOL OPTS TO PROVIDE INSTRUCTION ON PREGNANCY
18 OUTCOME OPTIONS, THE INSTRUCTION MUST COVER ALL PREGNANCY
19 OUTCOME OPTIONS, INCLUDING BUT NOT LIMITED TO ADOPTION,
20 ABORTION, PARENTING, AND INFORMATION CONCERNING SECTIONS
21 18-6-401 (9) AND 19-3-304.2, OR ANY SUCCESSOR LAWS, REFERRED TO
22 GENERALLY AS "SAFE HAVEN LAWS." INSTRUCTION ON PREGNANCY
23 OUTCOME OPTIONS MUST BE PROVIDED IN AN OBJECTIVE, UNBIASED
24 MANNER AND MUST NOT ENDORSE OR FAVOR ONE OR MORE PREGNANCY
25 OUTCOME OPTIONS.

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

30 (b) HOWEVER, HUMAN SEXUALITY INSTRUCTION MUST NOT
31 EXPLICITLY OR IMPLICITLY:

32 (I) USE SHAME-BASED OR STIGMATIZING LANGUAGE OR
33 INSTRUCTIONAL TOOLS;

34 (II) EMPLOY GENDER STEREOTYPES; OR

35 (III) EXCLUDE THE HEALTH NEEDS OF LESBIAN, GAY, BISEXUAL, OR
36 TRANSGENDER INDIVIDUALS.

37 (11) The provisions of this section shall not apply to students in
38 kindergarten through third grade. ~~unless the content of the instruction
39 relates to personal hygiene, healthy habits, respecting personal space and
40 boundaries, interpersonal communication skills, and personal safety, as
41 identified in the content standards developed by the department and
42 adopted by the state board.~~

43 (12) A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,

1 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY SEEK GRANT
2 MONEY PURSUANT TO ARTICLE 44 OF TITLE 25 TO IMPLEMENT THE
3 COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT REQUIREMENTS
4 SET FORTH IN THIS SECTION. HOWEVER, COMPLIANCE WITH THIS SECTION
5 IS NOT CONTINGENT UPON RECEIPT OF GRANT MONEY PURSUANT TO
6 ARTICLE 44 OF TITLE 25, NOR IS IT CONTINGENT ON RECEIPT OF ANY OTHER
7 STATE OR FEDERAL FUNDS, OR PUBLIC OR PRIVATE GIFTS, GRANTS, OR
8 DONATIONS.

9 **SECTION 3.** In Colorado Revised Statutes, 25-44-101, **repeal**
10 (2); and **add** (6.5) as follows:

11 **25-44-101. Definitions.** As used in this ~~article~~ ARTICLE 44, unless
12 the context otherwise requires:

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

15 (6.5) "MEDICALLY ACCURATE" HAS THE SAME MEANING AS
16 DEFINED IN SECTION 22-1-128."

17 Renumber succeeding sections accordingly.

18 Page 26, strike lines 2 through 27.

19 Page 27, strike lines 1 through 5.

20 Renumber succeeding sections accordingly."

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