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AMENDED

April 29, 2014

**H. 3435**

Introduced by Reps. Skelton, Horne, J.E. Smith, Cobb‑Hunter, K.R. Crawford and Knight

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Read the first time January 29, 2013.

**A** **BILL**

TO AMEND SECTION 59‑32‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO AMEND EXISTING DEFINITIONS; TO AMEND SECTION 59‑32‑20, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE AN INSTRUCTIONAL UNIT IN COMPREHENSIVE HEALTH EDUCATION TO LOCAL SCHOOL DISTRICTS, SO AS TO REQUIRE THIS UNIT BE PROVIDED BIENNIALLY; TO AMEND SECTION 59‑32‑30, RELATING TO THE REQUIREMENT THAT LOCAL SCHOOL DISTRICTS IMPLEMENT COMPREHENSIVE HEALTH EDUCATION PROGRAMS, SO AS TO PROVIDE REPRODUCTIVE HEALTH INSTRUCTION BE MEDICALLY ACCURATE IN ADDITION TO EXISTING REQUIREMENTS, TO CHANGE THE GRADE LEVELS IN WHICH THE INSTRUCTION MUST BE OFFERED, TO PROVIDE A DEFINITION, TO PROVIDE THAT IF A LOCAL SCHOOL BOARD DOES NOT REVIEW AND SELECT AN INSTRUCTIONAL UNIT IN COMPREHENSIVE HEALTH EDUCATION IN A CERTAIN MANNER, THEY MUST USE THE UNIT OFFERED BY THE STATE BOARD, AND TO DELETE THE REQUIREMENT THAT INSTRUCTION IN PREGNANCY PREVENTION EDUCATION BE PRESENTED SEPARATELY TO MALE AND FEMALE STUDENTS; TO AMEND SECTION 59‑32‑40, RELATING TO STAFF DEVELOPMENT, SO AS TO PROVIDE CERTIFICATION REQUIREMENTS FOR TEACHERS OF COMPREHENSIVE HEALTH EDUCATION AND REPRODUCTIVE HEALTH AND PREGNANCY PREVENTION INSTRUCTION; AND TO AMEND SECTION 59‑32‑60, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION REPORT COMPLY WITH THE REQUIREMENTS OF THE ACT, SO AS TO REQUIRE EACH DISTRICT REPORT ITS COMPLIANCE IN A CERTAIN MANNER AND THAT THE DEPARTMENT SHALL COMPILE AND PROVIDE A SUMMARY OF THESE REPORTS TO SPECIFIC RECIPIENTS.

Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑32‑10 of the 1976 Code is amended by adding an appropriately numbered subsection at the end to read:

“(8) ‘Medically accurate information’ means information supported by peer‑reviewed research that complies with accepted scientific methods, published in or by medical, scientific, psychological, sociological, government, or public health publications, organizations, or agencies such as the United States Centers for Disease Control and Prevention or the United States Health and Human Services Office of Adolescent Health.”

SECTION 2. Section 59‑32‑20 of the 1976 Code is amended to read:

“Section 59‑32‑20. ~~Before August 1, 1988,~~ The board, through the department, shall select or develop ~~an~~ a medically‑accurate instructional unit with separate components addressing the subjects of reproductive health education, family life education, pregnancy prevention education, and sexually transmitted diseases and make the instructional unit available to local school districts. The board, through the department, also shall make medically‑accurate available information about other programs developed by other states upon request of a local school district.”

SECTION 3. Section 59‑32‑30 of the 1976 Code is amended to read:

“Section 59‑32‑30. (A) Pursuant to guidelines developed by the board, each local school board shall implement the following program of instruction:

(1) ~~Beginning with the 1988‑89 school year,~~ For grades kindergarten through five, medically‑accurate instruction in comprehensive health education must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, and mental and emotional health. Sexually transmitted diseases as defined in the annual Department of Health and Environmental Control List of Reportable Diseases are to be excluded from instruction on the prevention and control of diseases and disorders. At the discretion of the local board, age‑appropriate medically‑accurate instruction in reproductive health may be included.

(2) ~~Beginning with the 1988‑89 school year,~~ For grades six through eight, medically‑accurate instruction in comprehensive health must include the following subjects: community health, consumer health, environmental health, growth and development, nutritional health, personal health, prevention and control of diseases and disorders, safety and accident prevention, substance use and abuse, dental health, mental and emotional health, and reproductive health education. Sexually transmitted diseases are to be included as a part of instruction. At the discretion of the local board, instruction in family life education or pregnancy prevention education or both may be included, but instruction in these subjects may not include an explanation of the methods of contraception before the sixth grade.

(3) ~~Beginning with the 1989‑90 school year,~~ At least one time during the four years of grades nine through twelve, each student shall receive medically‑accurate instruction in comprehensive health education, including at least seven hundred fifty minutes of reproductive health education and pregnancy prevention education.

(4) The South Carolina Educational Television Commission shall work with the department in developing medically‑accurate instructional programs and materials that may be available to the school districts. Films and other materials may be designed for the purpose of explaining bodily functions or the human reproductive process. These materials may not contain actual or simulated portrayals of sexual activities or sexual intercourse.

(5) The program of medically‑accurate instruction provided for in this section may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases.

(6) In grades nine through twelve, students must also be given medically‑accurate and appropriate instruction that adoption is a positive alternative.

(B) Local school boards may use the medically‑accurate instructional unit made available by the board pursuant to Section 59‑32‑20, or local boards may develop or select their own medically‑accurate instructional materials addressing the subjects of reproductive health education, family life education, and pregnancy prevention education. To assist in the selection of components and curriculum materials, each local school board shall appoint a thirteen‑member local advisory committee consisting of two parents, three clergy, two health professionals, two teachers, two students, one being the president of the student body of a high school, and two other persons not employed by the local school district.

(C) The time required for health instruction for students in kindergarten through eighth grade must not be reduced below the level required during the 1986‑87 school year. Medically‑accurate health instruction for students in grades nine through twelve may be given either as part of an existing course or as a special course.

(D) No contraceptive device or contraceptive medication may be distributed in or on the school grounds of any public elementary or secondary school. No school district may contract with any contraceptive provider for their distribution in or on the school grounds. Except as to that instruction provided by this chapter relating to complications which may develop from all types of abortions, school districts may not offer programs, instruction, or activities including abortion counseling, information about abortion services, or assist in obtaining abortion, and materials containing this information must not be distributed in schools. Nothing in this section prevents school authorities from referring students to a physician for medical reasons after making reasonable efforts to notify the student’s parents or legal guardians or the appropriate court, if applicable.

(E) Any course or instruction in sexually transmitted diseases must be taught within the reproductive health, family life, or pregnancy prevention education components, or it must be presented as a separate component.

(F) Instruction in pregnancy prevention education must be presented separately to male and female students.”

SECTION 4. Section 59‑32‑60 of the 1976 Code is amended to read:

“Section 59‑32‑60. The department shall assure district compliance with this chapter. Each local school board shall consider the programs addressed in this chapter in developing its annual district report. The department shall withhold one percent of funding allocated to that district until the report is filed. Each local school district shall publish on its website the title and publisher of any and all health education materials they have approved, adopted, and use in the classroom.”

SECTION 5. This act takes effect upon approval by the Governor.

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