

PROPOSED AMENDMENT

SB 88 # 8

DIGEST

Sexual health education. Provides that if a state accredited school provides instruction on human sexuality or sexually transmitted infections, the school shall provide comprehensive sexual health education, using appropriate instructors, to students in certain grade levels. Lists criteria for comprehensive sexual health education. Repeals certain state board of education requirements regarding HIV information. Makes a conforming change.

1 Page 8, between lines 38 and 39, begin a new paragraph and insert:
2 "SECTION 7. IC 20-30-5-12, AS AMENDED BY P.L.56-2023,
3 SECTION 180, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2026]: Sec. 12. (a) **Subject to subsection (c)**,
5 each school corporation shall:
6 (1) include in the school corporation's curriculum instruction
7 concerning the ~~human immunodeficiency virus (HIV); disease~~
8 ~~acquired immunodeficiency syndrome (AIDS) at least once~~
9 ~~each school year beginning no later than grade 5~~; and
10 (2) integrate this effort to the extent possible with instruction on
11 other ~~serious communicable~~ **sexually transmitted** diseases.
12 (b) ~~Literature that is distributed to school children and young adults~~
13 ~~under this section must include information required by IC 20-34-3-17.~~
14 (c) (b) The department, in consultation with the Indiana department
15 of health, shall develop ~~HIV AIDS~~ educational materials. The
16 department shall make the materials developed under this section
17 available to school corporations.
18 (c) **A school corporation may not include curriculum instruction**
19 **described in subsection (a)(1) to students without the consent of the**
20 **governing body of the school corporation the students attend.**
21 SECTION 8. IC 20-30-5-13, AS AMENDED BY P.L.204-2025,
22 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2026]: Sec. 13. (a) **As used in this section, "age**
24 **appropriate" means suitable to a particular age or age group of**
25 **children and adolescents based on developing cognitive, emotional,**

1 and behavioral capacity typical for that age or age group.

2 (b) As used in this section, "appropriate instructor" refers to an
3 individual who:

4 (1) is an employee, contractor, or consultant of a state
5 accredited school; and

6 (2) has knowledge of the most recent medically accurate
7 research on human sexuality, pregnancy, and sexually
8 transmitted diseases.

9 (c) As used in this section, "comprehensive sexual health
10 education" means instruction on human development, sexuality,
11 and reproduction. The term includes instruction on:

12 (1) physical, social, and emotional changes of human
13 development;

14 (2) human anatomy, reproduction, and sexual development;

15 (3) human physiology;

16 (4) the benefits of abstinence and delaying sexual activity;

17 (5) the prevention of sexually transmitted infections, including
18 human immunodeficiency virus and acquired
19 immunodeficiency syndrome;

20 (6) the prevention of unintended pregnancy, including the
21 effective use of contraceptives and barrier methods;

22 (7) ways to effectively discuss safe sexual activity;

23 (8) relationship and communication skills to:

24 (A) form healthy, respectful relationships free of violence,
25 coercion, and intimidation; and

26 (B) make healthy decisions about relationships and
27 sexuality, including affirmative, conscious, and voluntary
28 consent to engage in physical or sexual activity;

29 (9) skills to recognize and prevent dating violence;

30 (10) age appropriate information about resources and support
31 services for all students; and

32 (11) analyzing societal and media messages on sexual health.

33 (d) As used in this section, "consent" refers to a free, voluntary,
34 knowing, and mutual agreement to engage in a specific sexual act
35 or contact. Consent can be withdrawn at any time, and any
36 expression of lack of consent, by words, action, or attitude, means
37 that consent does not exist or has been withdrawn.

38 (e) As used in this section, "medically accurate" refers to
39 information that is supported by the weight of peer reviewed
40 research conducted in compliance with accepted scientific methods

1 and recognized as accurate and objective by the leading
2 professional organizations and agencies with expertise in relevant
3 fields of medicine, psychology, psychiatry, public health, and, if
4 relevant, peer reviewed journals.

5 (a) (f) **Throughout If a state accredited school provides** instruction
6 on human sexuality or sexually transmitted infections, **a the** state
7 accredited school shall

8 (1) require a teacher to teach abstinence from sexual activity
9 outside of marriage as the expected standard for all school age
10 children;

11 (2) include in the instruction that abstinence from sexual activity
12 is the only certain way to avoid out-of-wedlock pregnancy,
13 sexually transmitted infections, and other associated health
14 problems;

15 (3) include in the instruction that the best way to avoid sexually
16 transmitted infections and other associated health problems is to
17 establish a mutually faithful monogamous relationship in the
18 context of marriage;

19 (4) include age appropriate instruction concerning the importance
20 of consent to sexual activity between two (2) individuals; and

21 (5) except as provided in subsection (b); provide an in-person
22 presentation on human growth and development during pregnancy
23 that is medically accurate and age appropriate and includes the
24 following:

25 (A) A high definition ultrasound video; at least three (3)
26 minutes in duration; showing the development of the brain,
27 heart, sex organs, and other vital organs in early fetal
28 development.

29 (B) A high quality computer generated rendering or animation
30 showing the process of fertilization and each stage of fetal
31 development inside the uterus; noting significant markers in
32 cell growth and organ development for every week of
33 pregnancy from fertilization to birth.

34 (b) A state accredited school that provides the instruction described
35 in subsection (a) in a course in which one hundred percent (100%) of
36 the course is virtual shall provide a virtual presentation on human
37 growth and development during pregnancy that meets the requirements
38 in subsection (a)(5).

39 (c) A school maintained by a school corporation may not use
40 curricular materials to provide instruction on human sexuality that have

1 not been approved by the governing body of a school corporation under
2 IC 20-26-12-24. provide comprehensive sexual health education to
3 students, using appropriate instructors, at least:

- 4 (1) one (1) time to students in grade 5;
- 5 (2) two (2) times in total during the period when students are
6 in grades 6 through 8; and
- 7 (3) two (2) times in total during the period when students are
8 in grades 9 through 12.

9 (g) Instruction and materials used in comprehensive sexual
10 health education under this section must satisfy the following
11 criteria:

- 12 (1) Be age appropriate.
- 13 (2) Be medically accurate and informed by scientific research
14 and effective practices.
- 15 (3) Be appropriate for use with students of all races, genders,
16 gender identities, sexual orientations, and ethnic and cultural
17 backgrounds and for students with disabilities.
- 18 (4) Include the physiological and sociological developmental
19 processes experienced by an individual.
- 20 (5) Understand the influence of family, peers, community, and
21 the media throughout life on healthy sexual relationships.
- 22 (6) Encourage students to communicate with the students'
23 parents, health care and social service professionals, and
24 other trusted adults about human sexuality.
- 25 (7) Teach respect for marriage and committed relationships
26 and encourage healthy relationships that are based on mutual
27 respect and affection and are free from violence, coercion,
28 and intimidation.
- 29 (8) Teach abstinence and delay of sexual activity as the most
30 effective means of avoiding sexually transmitted diseases and
31 unintended pregnancy, but not to the exclusion of instruction
32 on other forms of contraception and disease prevention.
- 33 (9) Provide information about the effectiveness and safety,
34 including the health benefits and side effects, of all
35 contraceptives and condoms approved by the federal Food
36 and Drug Administration in preventing pregnancy and
37 reducing the risk of contracting sexually transmitted diseases.
- 38 (10) Provide information concerning critical thinking,
39 problem solving, decision making, and stress management
40 skills for students to make healthy decisions about sexuality

1 and relationships.

2 (11) Be appropriate for students who choose to be abstinent
3 or delay sexual activity and for students who have been or are
4 sexually active.

5 (12) Emphasize the necessity of consent as a requirement
6 before engaging in any sexual activity, including recognition
7 and withdrawal of consent.

8 (13) Emphasize that consent may be withdrawn at any time
9 and an expression of lack of consent by words, actions, or
10 attitude means that consent does not exist or has been
11 withdrawn.

12 (14) Emphasize recognizing and responding safely and
13 effectively when violence or a risk of violence is or may be
14 present with strategies that include bystander training.

15 (15) Be consistent with the National Sexuality Education
16 Standards, Core Content and Skills, K-12.

17 (h) Not later than November 1, 2027, and each November 1
18 thereafter, a state accredited school shall report to the department,
19 in a manner prescribed by the department, the curricula used to
20 provide comprehensive sexual health education. The department
21 shall submit a report summarizing the information received under
22 this subsection to the house committee on education and the senate
23 committee on education and career development in an electronic
24 format under IC 5-14-6.".

25 Page 10, between lines 31 and 32, begin a new paragraph and insert:
26 "SECTION 11. IC 20-34-3-17 IS REPEALED [EFFECTIVE JULY
27 1, 2026]. See: 17. (a) The state board shall provide information
28 stressing the moral aspects of abstinence from sexual activity in any
29 literature that it distributes to students and young adults concerning
30 available methods for the prevention of the human immunodeficiency
31 virus (HIV). The literature must state that the best way to prevent HIV
32 transmission as a result of sexual activity is for young people to refrain
33 from sexual activity until they are ready as adults to establish, in the
34 context of marriage, a mutually faithful monogamous relationship.

35 (b) The state board may not distribute HIV literature described in
36 subsection (a) to students without the consent of the governing body of
37 the school corporation the students attend.".

38 Renumber all SECTIONS consecutively.

(Reference is to SB 88 as introduced.)