

# 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.

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- 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

and relationships.

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

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

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

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

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

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

Page 10, between lines 31 and 32, begin a new paragraph and insert:

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

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

Renumber all SECTIONS consecutively.

(Reference is to SB 88 as introduced.)