

UNFINISHED BUSINESS

Bill No: SB 608
Author: Menjivar (D), et al.
Amended: 8/13/26
Vote: 21

SENATE EDUCATION COMMITTEE: 5-2, 4/2/25

AYES: Pérez, Cabaldon, Cortese, Gonzalez, Laird

NOES: Ochoa Bogh, Choi

SENATE HEALTH COMMITTEE: 8-0, 4/9/25

AYES: Menjivar, Durazo, Gonzalez, Limón, Padilla, Richardson, Rubio, Wiener

NO VOTE RECORDED: Valladares, Grove, Weber Pierson

SENATE APPROPRIATIONS COMMITTEE: 5-2, 1/22/26

AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

SENATE FLOOR: 29-9, 1/27/26

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto, Strickland

NO VOTE RECORDED: Valladares, Weber Pierson

ASSEMBLY FLOOR: 58-17, 8/25/26 - See last page for vote

SUBJECT: Sexual health

SOURCE: Black Women, for Wellness Action Project
California School Based Health Alliance
Essential Access Health
Generation Up

Voters of Tomorrow California

DIGEST: This bill 1) prohibits a local educational agency (LEA) from prohibiting a school-based health center that serves its schools from making internal and external condoms available and easily accessible to students in grades 7 to 12, inclusive; 2) requires LEAs to allow condoms to be made available during specified educational or public health programs; 3) authorizes the California Department of Education (CDE) to monitor compliance with the California Healthy Youth Act (CHYA) as part of its annual compliance monitoring process; and 4) prohibits retail establishments from refusing to provide nonprescription contraception to a person solely on the basis of age.

Assembly Amendments 1) replaces references to, and a definition for, “public school” with “local educational agency”, and 2) shifts the requirement for the CDE to monitor compliance with the requirements of CHYA to an authorization.

ANALYSIS:

Existing law:

- 1) Establishes the CHYA, which requires LEAs to provide comprehensive sexual health and human immunodeficiency virus (HIV) prevention instruction to all students in grades 7 to 12, at least once in middle school and once in high school. (Education Code (EC) § 51933)
- 2) Authorizes an LEA to contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction. (EC § 51936)
- 3) Requires that pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education at least once in junior high or middle school and at least once in high school. (EC § 51934)
- 4) Requires that the instruction and related instructional materials be, among other things:
 - a) Age appropriate.

- b) Medically accurate and objective.
 - c) Appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.
 - d) Made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil.
 - e) Accessible to pupils with disabilities. (EC § 51934)
- 5) Requires school districts, at the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, to notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year. This notice shall do all of the following:
- a) Advise the parent or guardian that the educational materials used in sexual health education are available for inspection.
 - b) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by an outside consultant, as provided.
 - c) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the LEA. (EC § 51938)
- 6) Provides that the parent or guardian of a pupil has the right to excuse their child from all or part of that education, including related assessments, through a passive consent ("opt-out") process. (EC § 51938)

This bill:

- 1) Prohibits LEAs from preventing a school-based health center from making condoms available and easily accessible to students in grades 7 to 12.
- 2) Requires LEAs to allow condoms to be made available to students in grades 7 to 12 during the course of, or in connection with, educational or public health

programs and initiatives, including but not limited to, condoms provided by any of the following:

- a) Community organizations or other entities providing instruction for the CHYA;
 - b) Student peer health programs, clubs, or groups;
 - c) Student health fairs conducted on campus; and
 - d) School-based health center staff.
- 3) Authorizes the CDE to monitor compliance with the CHYA as part of its annual compliance monitoring of state and federal programs.
- 4) Prohibits a retail establishment from refusing to furnish nonprescription contraception to a person solely on the basis of age, including but not limited to requiring the customer to present identification to demonstrate their age.
- 5) Specifies that, if under subsequent provisions of federal law, a nonprescription contraception becomes subject to restrictions based on age, (4) above does not apply to the refusal to furnish that contraception on the basis of age.

Comments

Need for the bill. According to the author, “Young people should have greater access to medically accurate, unbiased sex education, and readily available health resources to protect their safety and wellbeing. SB 608 aims to address that lack of access by increasing equitable access to condoms and a comprehensive, inclusive, and age-appropriate sexual health education for California youth. When some high schools and retailers are enacting dangerous policies that deny young people the ability to protect themselves we contribute to the current STI epidemic hitting us in California. Investing in prevention is a fraction of the cost compared to the millions California spends on the treatment of STIs every year.”

California Healthy Youth Act. The CHYA was first enacted in 2003 under its previous name, the Comprehensive Sexual Health and HIV/AIDS Prevention Education Act. Originally, the act required LEAs to provide comprehensive sexual health education in any grade, including kindergarten, so long as it consisted of age-appropriate instruction and used instructors trained in the appropriate courses. In 2016, AB 329 (Weber, Chapter 398, Statutes of 2015) renamed the act as the CHYA and required LEAs to provide comprehensive sexual health education and HIV prevention education to all students at least once in middle school and at least

once in high school. From its inception in 2003 through today, the CHYA has always afforded parents the right to opt their child out of a portion, or all, of the instruction and required LEAs to notify parents and guardians of this right. Parents and guardians can exercise this right by informing the LEA in writing of their decision.

This bill does not make any changes to the provisions of CHYA. It instead authorizes CDE to monitor compliance with the requirements of existing law as part of its annual compliance monitoring of state and federal programs.

Prior efforts. SB 608 is the third iteration of the author's efforts to expand access to contraceptives for California students, with the first and second being SB 541 (Menjivar of 2023) and SB 954 (Menjivar of 2024), respectively. Notably different in this iteration is the removal of a requirement for schools serving students in grades 9 to 12 to make condoms available free of charge, as well as the requirement that notices and additional information about proper condom use be made available to students. The Budget Act of 2024 included a one-time allocation of \$5 million to support the implementation of SB 954. Despite this allocation, SB 954 was vetoed by Governor Newsom, citing concerns about ongoing cost pressures that were not accounted for in the budget.

This bill does not require LEAs or school-based health centers to provide condoms or contraceptives, but rather it reduces barriers to access by prohibiting LEAs from restricting access that a school-based health center would otherwise voluntarily provide.

FISCAL EFFECT: Appropriation: No Fiscal Com.:Yes Local:Yes

According to the Assembly Appropriations Committee:

- One-time Proposition 98 General Fund costs of an unknown but potentially significant amount, possibly in the hundreds of thousands of dollars for LEAs, collectively statewide, to update policies and notifications as necessary to reflect availability and access to condoms on campus in addition to potential costs associated with tamper-proof dispensers and storage. To the extent an LEA is already implementing such measures costs would be lower.
- Minor and absorbable costs to the CDE.
- If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to reimburse these costs to LEAs or provide funding through the K-12 Mandate Block Grant.

SUPPORT: (Verified 8/25/26)

Black Women for Wellness Action Project (co-source)
California School-Based Health Alliance (co-source)
Essential Access Health (co-source)
Generation Up (co-source)
Voters of Tomorrow (co-source)
Access Reproductive Justice
ACLU California Action
AIDS Healthcare Foundation
Alameda County Office of Education
American Academy of Pediatrics, California
APLA Health
Asian Americans Advancing Justice-Southern California
Beyond Aids Foundation
California Academy of Preventive Medicine
California Coalition for Youth
California Latinas for Reproductive Justice
California LGBTQ Health and Human Services Network
California Medical Association
California Primary Care Association
California Teachers Association
California Women's Law Center
CFT- A Union of Educators & Classified Professionals, AFT, AFL-CIO
Citizens for Choice
Community Clinic Association of Los Angeles County
Courage California
Equality California
GLIDE
Health Connected
Indivisible CA: StateStrong
Latino Coalition for a Healthy California
National Center for Youth Law
National Health Law Program
Reproductive Freedom for All California
San Francisco AIDS Foundation
South Asian Network
The Los Angeles Trust for Children's Health
The San Diego LGBT Community Center
Women's Foundation California
One Individual

OPPOSITION: (Verified 8/25/26)

California Family Council
Lighthouse Baptist Church
Protection of the Educational Rights of Kids
Real Impact
Several Individuals

ASSEMBLY FLOOR: 58-17, 9/16/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Celeste Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Jeff Gonzalez, Hadwick, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

NO VOTE RECORDED: Hoover, McKinnor, Ramos, Michelle Rodriguez

Prepared by: Therresa Austin / ED. / (916) 651-4105

9/16/26 14:44:12

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