SENATE FLOOR AMENDMENT
Second Reading  

BY SENATORS Todd and Coram

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

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

Strike pages 3 through 17.

Page 18, strike lines 1 through 4 and substitute:

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

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

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

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

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

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

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

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

(6) Except as described in subsection (9) of this section, HUMAN SEXUALITY INSTRUCTION IS NOT REQUIRED. HOWEVER, IF a school district, board of cooperative services, charter school, or institute charter school that offers a planned curriculum related to comprehensive human sexuality education, in offering such a curriculum, maintain established requirements for the comprehensive human sexuality curriculum instruction, the instruction must be comprehensive and meet the comprehensive human sexuality education content requirements. These requirements must:

(b) Include medically accurate information about methods to prevent unintended pregnancy and sexually transmitted infections, including HIV/AIDS, and the link between human papillomavirus and cancer. Methods taught shall include information about the correct and consistent use of abstinence, contraception, including all FDA approved forms of contraception, condoms, and other barrier methods and must be taught in a cohesive, integrated, objective manner so that youth learn the full scope of preventive methods available to them and are empowered to decide for themselves which preventive methods are best suited for their individual needs, beliefs, and values.

(c) Include instruction to help students develop skills for making responsible and healthy decisions about human sexuality, personal power, boundary setting, developing safe and healthy relationships, and resisting peer pressure, including how to avoid promoting the development of healthy relationships by providing human sexuality instruction on:

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

(II) MAKING HOW TO AVOID MAKING unwanted verbal, physical, and sexual advances; and

(III) MAKING HOW TO AVOID MAKING assumptions about a person's supposed sexual intentions based on that person's appearance or sexual history; and

(IV) HOW TO AVOID PURSUING A SEXUAL ENCOUNTER WITH A PERSON OR PERSUADING A PERSON TO PARTICIPATE IN A SEXUAL
ENCOUNTER WHEN THAT PERSON HAS NOT PROVIDED CONSENT OR HAS WITHDRAWN CONSENT;

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

(i) **NOT** EMphasize sexual abstinence as the primary or sole acceptable preventive method available to students. A school district, board of cooperative services, charter school, or institute charter school shall not engage the instructional services of an organization or individual that is a direct or indirect recipient of money from the federal government pursuant to 42 U.S.C. sec. 710, as amended, because the guidelines of 42 U.S.C. sec. 710 are inconsistent with the provisions of this section.

(6.5) **C**omprehensive human sexuality education does not require instruction on pregnancy outcome options. However, if a public school opts to provide instruction on pregnancy outcome options, the instruction must cover all pregnancy outcome options, including but not limited to adoption, abortion, parenting, and information concerning sections 18-6-401 (9) and 19-3-304.2, or any successor laws, referred to generally as "safe haven laws." Instruction on pregnancy outcome options must be provided in an objective, unbiased manner and must not endorse or favor one or more pregnancy outcome options.

(7) (a) Nothing in subsection (6) or (6.5) of this section shall be interpreted to prohibit discussion of health, moral, ethical, or religious values as they pertain to comprehensive human sexuality, healthy relationships, or family formation. Such discussion is encouraged.

(b) **H**owever, human sexuality instruction must not explicitly or implicitly:

(I) Use shame-based or stigmatizing language or instructional tools;

(II) **E**mploy gender stereotypes; or

(III) **E**xclude the health needs of lesbian, gay, bisexual, or transgender individuals.

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

(12) A school district, board of cooperative services,
CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY SEEK GRANT MONEY PURSUANT TO ARTICLE 44 OF TITLE 25 TO IMPLEMENT THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT REQUIREMENTS SET FORTH IN THIS SECTION. HOWEVER, COMPLIANCE WITH THIS SECTION IS NOT CONTINGENT UPON RECEIPT OF GRANT MONEY PURSUANT TO ARTICLE 44 OF TITLE 25, NOR IS IT CONTINGENT ON RECEIPT OF ANY OTHER STATE OR FEDERAL FUNDS, OR PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS.

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

25-44-101. Definitions. As used in this article, unless the context otherwise requires:

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

(6.5) "Medically accurate" has the same meaning as defined in section 22-1-128.

Renumber succeeding sections accordingly.

Page 26, strike lines 2 through 27.

Page 27, strike lines 1 through 5.

Renumber succeeding sections accordingly.:

** *** ** *** **