

# HOUSE BILL No. 5336

December 7, 2017, Introduced by Reps. Hammoud, Faris, Wittenberg, Elder, Pagan, Santana, Robinson, Love, Chang, Garrett, Green, Byrd, Ellison, Scott, Guerra, Rabhi, Greig, Yancey, Phelps, Cambensy, Lasinski, Marino, Kesto, Noble, Hughes, Lilly and Sabo and referred to the Committee on Education Reform.

A bill to amend 1976 PA 451, entitled  
"The revised school code,"  
by amending section 1507b (MCL 380.1507b), as added by 2004 PA 165.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1507b. (1) Instruction under section 1507 in sex  
2 education and instruction under section 1169 on human  
3 immunodeficiency virus infection and acquired immunodeficiency  
4 syndrome shall emphasize that abstinence from sex is a positive  
5 lifestyle for unmarried young people because abstinence is the only  
6 protection that is 100% effective against unplanned pregnancy,  
7 sexually transmitted disease, and sexually transmitted human  
8 immunodeficiency virus infection and acquired immunodeficiency  
9 syndrome.

10       (2) Material and instruction in the sex education curriculum  
11 under section 1507 that discusses sex shall be age-appropriate,

1 shall ~~not be medically inaccurate,~~ **ACCURATE**, and shall do at least  
2 all of the following:

3 (a) Discuss the benefits of abstaining from sex until marriage  
4 and the benefits of ceasing sex if a pupil is sexually active.

5 (b) Include a discussion of the possible emotional, economic,  
6 and legal consequences of sex.

7 (c) Stress that unplanned pregnancy and sexually transmitted  
8 diseases are serious possibilities of sex that are not fully  
9 preventable except by abstinence.

10 (d) Advise pupils of the laws pertaining to their  
11 responsibility as parents to children born in and out of wedlock.

12 (e) Ensure that pupils are not taught in a way that condones  
13 the violation of the laws of this state pertaining to sexual  
14 activity, including, but not limited to, sections 158, 335a, 338,  
15 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA  
16 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and  
17 750.520b to 750.520e.

18 (f) Teach pupils how to say "no" to sexual advances and that  
19 it is wrong to take advantage of, harass, or exploit another person  
20 sexually.

21 (g) Teach refusal skills and encourage pupils to resist  
22 pressure to engage in risky behavior.

23 (h) Teach that the pupil has the power to control personal  
24 behavior. Pupils shall be taught to base their actions on  
25 reasoning, self-discipline, a sense of responsibility, self-  
26 control, and ethical considerations such as respect for self and  
27 others.

1 (i) Provide instruction on healthy dating relationships and on  
2 how to set limits and recognize a dangerous environment.

3 (j) Provide information for pupils about how young parents can  
4 learn more about adoption services and about the provisions of the  
5 safe delivery of newborns law, chapter XII of the probate code of  
6 1939, 1939 PA 288, MCL 712.1 to 712.20.

7 (k) Include information clearly informing pupils that having  
8 sex or sexual contact with an individual under the age of 16 is a  
9 crime punishable by imprisonment and that 1 of the other results of  
10 being convicted of this crime is to be listed on the sex offender  
11 registry on the internet for up to 25 years.

12 **(l) PROVIDE INSTRUCTION ON SEXUAL HARASSMENT AND SEXUAL**  
13 **VIOLENCE, INCLUDING, BUT NOT LIMITED TO, INSTRUCTION ON ALL OF THE**  
14 **FOLLOWING:**

15 **(i) SEXUAL HARASSMENT AND SEXUAL VIOLENCE AMONG PEERS AND IN**  
16 **DATING RELATIONSHIPS.**

17 **(ii) STRATEGIES FOR THE PREVENTION OF SEXUAL HARASSMENT AND**  
18 **SEXUAL VIOLENCE.**

19 **(iii) REPORTING OF SEXUAL HARASSMENT OR SEXUAL VIOLENCE.**

20 **(iv) RESOURCES FOR VICTIMS OF SEXUAL HARASSMENT OR SEXUAL**  
21 **VIOLENCE.**

22 **(v) AFFIRMATIVE CONSENT STANDARDS, INCLUDING TEACHING PUPILS**  
23 **THAT IN ORDER FOR CONSENT TO BE GIVEN TO SEXUAL ACTIVITY, IT MUST**  
24 **BE AFFIRMATIVE AND CONSCIOUS AND INVOLVE A VOLUNTARY AGREEMENT TO**  
25 **ENGAGE IN SEXUAL ACTIVITY; THAT IT IS THE RESPONSIBILITY OF EACH**  
26 **INDIVIDUAL INVOLVED IN THE SEXUAL ACTIVITY TO ENSURE THAT HE OR SHE**  
27 **HAS THE AFFIRMATIVE CONSENT OF THE OTHER TO ENGAGE IN SEXUAL**

1   ACTIVITY; THAT LACK OF PROTEST OR RESISTANCE DOES NOT MEAN CONSENT  
2   AND THAT SILENCE DOES NOT MEAN CONSENT; THAT AFFIRMATIVE CONSENT  
3   MUST BE ONGOING THROUGHOUT A SEXUAL ACTIVITY AND CAN BE REVOKED AT  
4   ANY TIME; AND THAT THE EXISTENCE OF A DATING RELATIONSHIP BETWEEN  
5   THE INDIVIDUALS INVOLVED OR THE FACT OF PAST SEXUAL RELATIONS  
6   BETWEEN THEM ARE NOT INDICATORS OF CONSENT.

7       (vi) ESTABLISHING BOUNDARIES AMONG PEERS AND IN DATING  
8   RELATIONSHIPS.

9       (vii) STATE AND FEDERAL LAW ON SEXUAL HARASSMENT AND SEXUAL  
10  VIOLENCE.

11       (3) This section does not prohibit a public school from  
12   offering sex education with behavioral risk reduction strategies,  
13   as defined by law, that are not 100% effective against unplanned  
14   pregnancy, sexually transmitted disease, and sexually transmitted  
15   human immunodeficiency virus infection and acquired  
16   immunodeficiency syndrome.

17       (4) AS USED IN THIS SECTION, "DATING RELATIONSHIP" MEANS THAT  
18   TERM AS DEFINED IN SECTION 1 OF 1978 PA 389, MCL 400.1501.

19       Enacting section 1. This amendatory act takes effect 90 days  
20   after the date it is enacted into law.