

HOUSE BILL No. 4903

September 22, 2015, Introduced by Reps. Cochran, Pagan, Plawecki, Chirkun, Greig, Wittenberg, Irwin, Geiss, Hovey-Wright, Hoadley, Derek Miller, Love, Liberati, Gay-Dagnogo, Byrd, Banks, Lyons, Sarah Roberts, Brunner, Smiley, Chang, Durhal, Schor, Phelps, Faris, Moss, Garrett, Singh, Guerra, Driskell, Brinks and Zemke and referred to the Committee on Education.

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

1 under section 1507 that discusses sex shall be age-appropriate,
2 shall not be medically inaccurate, and shall do at least all of the
3 following:

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

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

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

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

13 (e) Ensure that pupils are not taught in a way that condones
14 the violation of the laws of this state pertaining to sexual
15 activity, including, but not limited to, sections 158, 335a, 338,
16 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA
17 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and
18 750.520b to 750.520e.

19 ~~Teach pupils how to say "no" to sexual advances and that~~
20 ~~it is wrong to take advantage of, harass, or exploit another person~~
21 ~~sexually.~~ **TEACH PUPILS THAT IN ORDER FOR CONSENT TO BE GIVEN BY BOTH**
22 **PARTIES TO SEXUAL ACTIVITY IT MUST BE AFFIRMATIVE CONSENT AND THAT**
23 **"AFFIRMATIVE CONSENT" MEANS AFFIRMATIVE, CONSCIOUS, AND VOLUNTARY**
24 **AGREEMENT TO ENGAGE IN SEXUAL ACTIVITY; THAT IT IS THE**
25 **RESPONSIBILITY OF EACH INDIVIDUAL INVOLVED IN THE SEXUAL ACTIVITY**
26 **TO ENSURE THAT HE OR SHE HAS THE AFFIRMATIVE CONSENT OF THE OTHER**
27 **TO ENGAGE IN THE SEXUAL ACTIVITY; THAT LACK OF PROTEST OR**

1 RESISTANCE DOES NOT MEAN CONSENT AND THAT SILENCE DOES NOT MEAN
2 CONSENT; THAT AFFIRMATIVE CONSENT MUST BE ONGOING THROUGHOUT A
3 SEXUAL ACTIVITY AND CAN BE REVOKED AT ANY TIME; AND THAT THE
4 EXISTENCE OF A DATING RELATIONSHIP BETWEEN THE PERSONS INVOLVED, OR
5 THE FACT OF PAST SEXUAL RELATIONS BETWEEN THEM, SHOULD NEVER BY
6 ITSELF BE ASSUMED TO BE AN INDICATOR OF CONSENT.

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

9 ~~—(h) Teach that the pupil has the power to control personal
10 behavior. Pupils shall be taught to base their actions on
11 reasoning, self-discipline, a sense of responsibility, self-
12 control, and ethical considerations such as respect for self and
13 others.~~

14 (H) ~~(i)~~ Provide instruction on healthy dating relationships
15 and on how to set limits and recognize a dangerous environment.

16 (I) ~~(j)~~ Provide information for pupils about how young parents
17 can learn more about adoption services and about the provisions of
18 the safe delivery of newborns law, chapter XII of the probate code
19 of 1939, 1939 PA 288, MCL 712.1 to 712.20.

20 (J) ~~(k)~~ Include information clearly informing pupils that
21 having sex or sexual contact with an individual under the age of 16
22 is a crime punishable by imprisonment and that 1 of the other
23 results of being convicted of this crime is to be listed on the sex
24 offender registry on the internet-**INTERNET** for up to 25 years.

25 (3) This section does not prohibit a public school from
26 offering sex education with behavioral risk reduction strategies,
27 as defined by law, that are not 100% effective against unplanned

1 pregnancy, sexually transmitted disease, and sexually transmitted
2 human immunodeficiency virus infection and acquired
3 immunodeficiency syndrome.

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