

SENATE BILL NO. 701

October 21, 2021, Introduced by Senators HERTEL, MCCANN, HOLLIER, BULLOCK, GEISS, CHANG, WOJNO, BAYER, MCMORROW, POLEHANKI, MOSS, IRWIN, BRINKS and ALEXANDER and referred to the Committee on Education and Career Readiness.

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,
and by adding section 1507c.

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

1 syndrome ~~shall~~**must** emphasize that abstinence from sex is a
 2 positive lifestyle for ~~unmarried~~ young people because abstinence is
 3 the only protection that is 100% effective against unplanned
 4 pregnancy, sexually transmitted ~~disease,~~**infection**, and sexually
 5 transmitted human immunodeficiency virus infection and acquired
 6 immunodeficiency syndrome.

7 (2) Material and instruction in the sex education curriculum
 8 under section 1507 that discusses sex ~~shall~~**must** be age-
 9 appropriate, ~~shall~~**must** not be medically inaccurate, and ~~shall~~**must**
 10 do at least all of the following:

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

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

15 (c) Stress that unplanned pregnancy and sexually transmitted
 16 ~~diseases~~**infections** are serious possibilities of sex that are not
 17 fully preventable except by abstinence.

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

20 (e) Ensure that pupils are not taught in a way that condones
 21 the violation of the laws of this state pertaining to sexual
 22 activity, including, but not limited to, sections 158, 335a, 338,
 23 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA
 24 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and
 25 750.520b to 750.520e.

26 (f) Teach pupils ~~how to say "no" to sexual advances and that~~
 27 ~~it is wrong to take advantage of, harass, or exploit another person~~
 28 ~~sexually.~~**about sexual assault and dating violence and the**
 29 **prevention of sexual assault and dating violence, including, but**

1 not limited to, concepts relating to bystander intervention, and
 2 create a school environment in which sexual assault and dating
 3 violence are not acceptable and victims of sexual assault and
 4 dating violence are provided help and support. Instruction provided
 5 to comply with this subdivision must be consistent with section
 6 1507c.

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~~**must** 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 (i) Provide instruction on **respectful and** healthy dating
 15 relationships, **on consent**, and on ~~how to set limits and recognize a~~
 16 ~~dangerous environment.~~**setting and respecting personal boundaries.**

17 (j) Provide information for pupils about how young parents can
 18 learn more about adoption services and about the provisions of the
 19 safe delivery of newborns law, chapter XII of the probate code of
 20 1939, 1939 PA 288, MCL 712.1 to 712.20.

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

26 (3) This section does not prohibit a public school from
 27 offering sex education with behavioral risk reduction strategies,
 28 as defined by law, that are not 100% effective against unplanned
 29 pregnancy, sexually transmitted ~~disease,~~**infection**, and sexually

1 transmitted human immunodeficiency virus infection and acquired
2 immunodeficiency syndrome.

3 (4) As used in this section:

4 (a) "Dating relationship" means that term as defined in
5 section 1 of 1978 PA 389, MCL 400.1501.

6 (b) "Dating violence" means an act of domestic violence
7 against an individual who has or had a dating relationship with the
8 individual who committed the act of domestic violence.

9 (c) "Domestic violence" means that term as defined in section
10 1 of 1978 PA 389, MCL 400.1501.

11 (d) "Sexual assault" means that term as defined in section
12 2950a of the revised judicature act of 1961, 1961 PA 236, MCL
13 600.2950a.

14 Sec. 1507c. (1) Not later than 1 year after the effective date
15 of the amendatory act that added this section, the department of
16 health and human services, in consultation with the Michigan
17 Coalition to End Domestic and Sexual Violence, the superintendent
18 of public instruction, community-based sexual assault or domestic
19 violence service providers that are funded by the department of
20 health and human services, and education professionals, shall
21 update this state's existing model for health curriculum so it is
22 aligned with the instructional requirements described in section
23 1507b(2) (f).

24 (2) Not later than 1 year after the model for health
25 curriculum is updated under subsection (1), the instruction
26 provided to comply with section 1507b(2) (f) must meet both of the
27 following:

28 (a) Is delivered using the updated model for health curriculum
29 described in subsection (1).

1 (b) Is provided by a teacher qualified to teach health
2 education as required under section 1507.

3 (3) As used in this section, "domestic violence" and "sexual
4 assault" mean those terms as defined in section 1507b.

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