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February 20, 2017

SENATE BILL NO. 246

By: Pittman

An Act relating to education; amending 70 O.S. 2011, Section 11-103.3, which relates to AIDS prevention education; providing definitions; modifying the type of prevention education to be taught in public schools; removing certain limitation; modifying the type of resources to be made available; modifying inspection requirement for curriculum and materials; modifying the goals of certain education; updating terms; requiring resources to include certain elements; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 11-103.3, is amended to read as follows:

Section 11-103.3. A. ~~Acquired immune deficiency syndrome~~

~~(AIDS)~~ As used in this section:

1. "AIDS," or "Acquired Immune Deficiency Syndrome," means the final and most serious stage of HIV causing damage to the immune system and includes a great number of opportunistic infections which normally end in death;

2. "HIV," or "Human Immunodeficiency Virus," means a human
retrovirus and the virus known to cause AIDS; and

1 3. "PLWH" means People Living with HIV/AIDS.

2 B. HIV/AIDS prevention education shall be taught in the public
3 schools of this state. ~~AIDS prevention education shall be limited~~
4 ~~to the discussion of the disease AIDS and its spread and prevention.~~
5 Students shall receive such education:

6 1. ~~at~~ At the option of the local school district, a minimum of
7 once during the period from grade five through grade six;

8 2. ~~a~~ A minimum of once during the period from grade seven
9 through grade nine; and

10 3. ~~a~~ A minimum of once during the period from grade ten through
11 grade twelve, with heightened emphasis on modes of transmission,
12 prevention methods, virology and relevant statistics.

13 ~~B.~~ C. The State Department of Education shall develop
14 ~~curriculum and materials~~ or provide medically accurate resources for
15 ~~AIDS~~ HIV/AIDS prevention education in conjunction with the State
16 Department of Health. A school district may also develop its own
17 ~~AIDS~~ HIV/AIDS prevention education curriculum and materials. Any
18 curriculum and materials developed for use in the public schools
19 shall be approved by the State Department of Health for medical
20 accuracy ~~by the State Department of Health~~ a minimum of once every
21 two (2) years. A school district may use any curriculum and
22 materials which have been developed and approved pursuant to this
23 subsection.
24

1 ~~C. D.~~ School districts shall make the curriculum and materials
2 that will be used to teach ~~AIDS~~ HIV/AIDS prevention education
3 available for inspection ~~by the parents and guardians of the~~
4 ~~students that will be involved with the curriculum and materials.~~
5 ~~Furthermore, the curriculum must be limited in time frame to deal~~
6 ~~only with factual medical information for AIDS prevention. The~~
7 ~~school districts, at least one (1) month prior to teaching AIDS~~
8 ~~prevention education in any classroom, shall conduct for the parents~~
9 ~~and guardians of the students involved during weekend and evening~~
10 ~~hours at least one presentation concerning the curriculum and~~
11 ~~materials that will be used for such education~~ pursuant to Section
12 2003 of Title 25 of the Oklahoma Statutes.

13 E. No student shall be required to participate in ~~AIDS~~ HIV/AIDS
14 prevention education if a parent or guardian of the student objects
15 in writing to such participation.

16 ~~D. AIDS~~ F. HIV/AIDS prevention education shall specifically
17 teach students that:

18 1. ~~engaging in homosexual activity, promiscuous~~ Participating
19 in high-risk sexual activity, ~~intravenous~~ injection drug use or
20 contact with contaminated blood products is ~~now~~ known to be
21 ~~primarily responsible~~ the primary means for ~~contact with the AIDS~~
22 ~~virus~~ the transmission and contraction of HIV;

23 2. ~~avoiding the activities specified in paragraph 1 of this~~
24 ~~subsection is the only method of preventing the spread of the virus~~

1 Upon participating in an activity specified in paragraph 1 of this
2 subsection, a person should be regularly tested for HIV so they may
3 be linked to treatment as early as possible, as an undetectable
4 viral load greatly decreases the likelihood an individual will
5 transmit the virus to others;

6 3. ~~sexual intercourse~~ High-risk sexual behavior, with or
7 without condoms, with ~~any person testing positive for human~~
8 ~~immunodeficiency virus (HIV) antibodies, or any other person~~
9 ~~infected with HIV,~~ a PLWH or a person who does not know their
10 current HIV status places that ~~individual~~ person in a high-risk
11 category for ~~developing AIDS~~ contracting HIV.

12 ~~F. G.~~ G. The program of ~~AIDS~~ HIV/AIDS prevention education shall
13 teach that abstinence from sexual activity is the only certain means
14 for the prevention of the spread or contraction of ~~the AIDS virus~~
15 HIV/AIDS through sexual contact. It shall also teach that
16 artificial means of birth control are not a certain means of
17 preventing the spread of ~~the AIDS virus~~ HIV/AIDS and reliance on
18 such methods puts a person at risk for exposure to the ~~disease~~
19 virus.

20 ~~F. H.~~ H. 1. The State Department of Health and the State
21 Department of Education shall update ~~AIDS~~ HIV/AIDS prevention
22 education curriculum material as newly discovered medical facts make
23 it necessary.

1 2. HIV resources should include current and/or updated
2 information on modes of transmission, prevention methods, virology
3 and statistics related to HIV/AIDS and PLWH.

4 SECTION 2. This act shall become effective July 1, 2017.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
10 February 20, 2017 - DO PASS
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