
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1335 Session of
2021

INTRODUCED BY SIMS, BENHAM, RABB, SANCHEZ, KRAJEWSKI, STURLA,
SCHLOSSBERG, LEE, GUENST, ISAACSON, HOHENSTEIN, MADDEN,
MALAGARI AND McCLINTON, MAY 5, 2021

REFERRED TO COMMITTEE ON EDUCATION, MAY 5, 2021

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in terms and courses of study,
6 providing for sexual health education; in sexual violence
7 education at institutions of higher education, further
8 providing for education program; and imposing duties on the
9 Department of Education and the Department of Health.

10 The General Assembly finds and declares as follows:

11 (1) Discussions between youth and their parents or
12 guardians is the most important way to help youth make the
13 best decisions for their current and future health, safety
14 and overall well-being.

15 (2) However, Pennsylvania's schools and other community
16 groups also have a responsibility to help ensure that the
17 youth have the knowledge and skills necessary to enable them
18 to make informed life decisions, to protect their health and
19 safety, to facilitate pleasurable and satisfying
20 relationships while preventing unintended pregnancy, to
21 reduce the risk of sexually transmitted infections (STIs) and

1 to reduce the acts of sexual violence and human trafficking.

2 (3) Research has identified that the physical and
3 emotional health of young people is related to their academic
4 performance. Young people who are able to avoid unintended
5 pregnancy, STIs, sexual abuse, interpersonal violence and
6 harassment are more likely to be successful in school.

7 Furthermore, school-based sexuality education can reduce
8 bullying, increase understanding of gender and gender norms,
9 improve knowledge and skills that support healthy
10 relationships, build child sex abuse prevention skills and
11 reduce dating and intimate partner violence. Sexuality
12 education also contributes to facilitating an understanding
13 of respectful, pleasurable and satisfying relationships
14 throughout the lifespan.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
18 as the Public School Code of 1949, is amended by adding a
19 section to read:

20 Section 1512.2. Sexuality Education.--(a) Each school shall
21 provide students with sexuality education that meets the
22 following criteria:

23 (1) Information presented is medically accurate and
24 evidence-based, including, but not limited to:

25 (i) The effectiveness, safety, proper use, health benefits
26 and side effects of all contraceptive methods approved by the
27 Food and Drug Administration for preventing unintended
28 pregnancy.

29 (ii) Information about sexually transmitted infections
30 (STIs), including how STIs are and are not transmitted and the

1 effectiveness of various risk-reducing strategies, including
2 medication approved by the Food and Drug Administration such as
3 preexposure prophylaxis (PrEP) medication and postexposure
4 prophylaxis (PEP) medication and information about Gardasil and
5 the importance of getting vaccinated against human
6 papillomavirus (HPV).

7 (iii) Information about body autonomy, establishing safe
8 boundaries and recognizing signs of predatory grooming or
9 coercive behaviors that may lead to victimization.

10 (iv) Information about sexual violence, human trafficking
11 and protections and resources for victims.

12 (2) Instruction and materials:

13 (i) Are age-appropriate, as determined by sexuality health
14 experts and recommended by the American Academy of Pediatrics.

15 (ii) Include the following information:

16 (A) The anatomy and physiology of the human body,
17 particularly as it relates to human reproductive organs and
18 functions.

19 (B) The benefits of and reasons for delaying sexual
20 activity.

21 (C) That not engaging in sexual activity is the only
22 completely reliable way to prevent pregnancy and to reduce the
23 risk of contracting STIs, including HIV.

24 (D) The effect of alcohol and drug use on decision making
25 and partner communication.

26 (E) The importance of healthy relationships and
27 interpersonal interaction that are based on consent, mutual
28 respect and open communication.

29 (F) Relevant elementary education topics such as friendship,
30 body parts and puberty, including an explanation of menstruation

1 and how menstrual products should be used and unwelcome,
2 unwanted or nonconsensual touching.

3 (G) Up-to-date information on available local resources for
4 sexual and reproductive health care and risk reduction and anti-
5 victimization education, including how to access the resources
6 and the legal rights afforded to individuals accessing the
7 resources and resources available for victims of sexual
8 harassment, assault or violence.

9 (H) Information about sexual violence and human trafficking
10 incidence rates, resources for victims and implications for
11 individuals convicted of sex-related crimes.

12 (I) Up-to-date contact information for the school's Title IX
13 Coordinator and information on how to contact the coordinator
14 and the school's policy regarding a student's privacy rights
15 when disclosing information to a teacher or counselor.

16 (iii) Address healthy relationships and social pressures
17 related to sexual behaviors.

18 (iv) Establish an affirmative consent standard that includes
19 the following information:

20 (A) All parties are responsible for obtaining affirmative
21 consent before proceeding with any sexual activity, including
22 between individuals who have previously engaged in sexual
23 activity with one another.

24 (B) The absence of protest or resistance does not constitute
25 affirmative consent.

26 (C) Past sexual relations and existing relationships are not
27 indicative of affirmative consent.

28 (v) Emphasize the dangers and risks of sexting. The emphasis
29 shall include the following information:

30 (A) Images are easily shared and can be made publicly

1 available online.

2 (B) Once distributed online, images can be difficult to
3 remove.

4 (C) Consequences of sexting may include charges of criminal
5 activity, such as possession or production of child pornography
6 and disseminating of indecent material to minors.

7 (vi) Discuss sexual activity addressing the physical,
8 mental, emotional and social aspects of human sexuality,
9 including pleasure and overall well-being, as well as the risk
10 for STIs and unintended pregnancy.

11 (vii) Support any student who would like to communicate with
12 parents, guardians, health care providers and other youth-
13 serving or trusted adults about sexuality without jeopardizing
14 the student's safety and well-being.

15 (viii) Are inclusive and do not promote bias against
16 students, regardless of race, religion, national origin, gender,
17 gender identity, gender expression, sexual orientation, sexual
18 expression or disability.

19 (3) Instructors are permitted to answer in good faith any
20 questions initiated by students that are germane to the material
21 of the course.

22 (4) Information must be medically accurate, evidence-based
23 and nonjudgmental.

24 (b) (1) If the parent or guardian of a student under
25 eighteen (18) years of age, or a student who is eighteen (18)
26 years of age or older, provides a written request to the school
27 that the student be excused from all or any part of sexuality
28 education, the student shall be excused from all or any part of
29 the sexuality education required under subsection (a) and may
30 not be subject to disciplinary action or academic penalty for

1 not participating in sexuality education instruction. The
2 school, including a teacher or other employe at the school, may
3 not provide an opt-out for the student absent the written
4 request as specified in this section.

5 (2) The following shall be made publicly available to
6 students, parents and guardians through the school district's
7 publicly accessible Internet website, if available, the school
8 district's student manual or by other means of communication
9 currently used by the school district:

10 (i) information about the school district's sexuality
11 education instruction, including curriculum, information being
12 provided to students and a list of written and audio-visual
13 materials used for the education; and

14 (ii) a form for excusing a student from all or any part of
15 sexuality education.

16 (c) The Department of Education, in consultation with the
17 Department of Health, shall develop and maintain a list of
18 sexuality education curricula consistent with the requirements
19 of this section. The list shall be updated at least annually and
20 made available on the Department of Education's publicly
21 accessible Internet website. The Department of Education shall
22 promulgate rules necessary to provide oversight and to implement
23 and administer the provisions of this section.

24 (d) Money appropriated by the General Assembly for sexuality
25 education shall not contravene the provisions of this section
26 and may not be used for health education programs that:

27 (1) withhold health-promoting or lifesaving information
28 about sexuality-related topics, including abortion, HIV, sexual
29 violence or human trafficking;

30 (2) are medically inaccurate or have been scientifically

1 shown to be ineffective;

2 (3) promote gender, racial or sexual stereotypes and biases;

3 (4) are insensitive or unresponsive to the needs of:

4 (i) sexually active young people;

5 (ii) teen parents;

6 (iii) youth who have been pregnant or have impregnated
7 someone else;

8 (iv) survivors of sexual violence, abuse or human
9 trafficking;

10 (v) youth of all physical, developmental and cognitive
11 abilities; or

12 (iv) youth of all gender identities, gender expressions or
13 sexual orientations.

14 (5) are inconsistent with the ethical imperatives of
15 medicine and public health.

16 (e) (1) Local school districts shall approve and select
17 curricula, textbooks and instructional materials from the list
18 maintained by the Department of Education under subsection (c).

19 (2) The curricula selected must be consistent with the
20 educational criteria required under subsection (a).

21 (f) Each school shall include comprehensive sexuality
22 education training within the professional education plan under
23 section 1205.1 and continuing professional education program
24 under section 1205.2 for teachers certified to teach health and
25 sexual education.

26 (g) Each school shall include a sexual violence awareness
27 educational program. The school may collaborate with local rape
28 crisis centers, sexual assault programs, sexual violence
29 programs or human trafficking prevention programs in the
30 development of the educational curricula.

1 (h) Nothing in this section shall limit a student's ability
2 or right to seek or have access to counseling services.
3 Notwithstanding any other provision of this section, a parent or
4 guardian may not opt out a student from counseling services.
5 (i) As used in this section, the following words and phrases
6 shall have the meanings given to them in this subsection:
7 (1) "Affirmative consent" shall mean an affirmative, willing
8 and conscious ongoing agreement between all parties of legal age
9 to engage in sexual activity.
10 (2) "Age-appropriate" shall mean topics, messages and
11 teaching methods suitable to particular ages or groups of
12 children and adolescents, based on developing cognitive,
13 emotional and behavioral capacity typical for the age or age
14 group.
15 (3) "Comprehensive sexuality education" shall mean
16 instruction which:
17 (i) addresses the physical, mental, emotional and
18 sociocultural aspects of human sexuality;
19 (ii) is designed to motivate and assist students in
20 maintaining and improving their sexual health, preventing
21 disease, reducing sexual health-related risk behaviors and
22 reducing the chance of becoming a victim of sexual violence or
23 human trafficking;
24 (iii) enables and empowers students to develop and
25 demonstrate sexual health-related knowledge, attitudes, skills
26 and practices that are age-appropriate; and
27 (iv) is presented in a format accessible to students with
28 disabilities and students who are English language learners.
29 (4) "Gender expression" shall mean the expression of an
30 individual's gender, which may be through behavior, clothing,

1 hairstyle or voice and may not conform to socially defined
2 behaviors and characteristics typically associated with being
3 either masculine or feminine.

4 (5) "Gender identity" shall mean the internal sense of an
5 individual regarding whether the individual is a man, a woman, a
6 boy, a girl, transgender, gender nonconforming or nonbinary,
7 regardless of the individual's designated sex at birth or gender
8 expression.

9 (6) "Healthy relationship" shall mean an interpersonal
10 relationship that is based on mutual respect, pleasure,
11 satisfaction, consent and open communication and is free of
12 physical abuse, sexual abuse, emotional abuse, coercion,
13 violence and exploitation.

14 (7) "Inclusive" shall mean sexuality education curriculum
15 which ensures that students from historically marginalized
16 communities are reflected in classroom materials and lessons and
17 that materials are presented to all students in accessible
18 formats meeting their disability or language needs.

19 (8) "Medically accurate" shall mean information supported by
20 peer-reviewed research conducted in compliance with accepted
21 scientific methods and recognized as accurate by leading
22 professional organizations and agencies with relevant
23 experience, including the American Medical Association, the
24 American Academy of Pediatrics and the Department of Health.

25 (9) "School" shall mean any public school, including a
26 charter school or cyber charter school, intermediate unit, area
27 vocational-technical school or approved private special
28 education school operating within this Commonwealth.

29 (10) "Sexting" shall mean the procurement or distribution of
30 sexually explicit photographs or messages via electronic means

1 such as a cell phone, digital application or Internet platform.

2 (11) "Sexual health" shall mean a state of physical, mental
3 and social well-being in relation to sexuality, requiring a
4 positive and respectful approach to sexuality and sexual
5 relationships that are free of coercion, discrimination,
6 violence and exploitation.

7 (12) "Sexual orientation" shall mean an individual's
8 attraction, including physical and emotional attraction, to
9 other people of the same gender, a different gender or all
10 genders.

11 (13) "STIs" Shall mean an infectious disease that spreads
12 from person to person during sexual contact.

13 Section 2. Section 2003-G(a) (2) of the act is amended to
14 read:

15 Section 2003-G. Education program.

16 (a) General rule.--Institutions of higher education and
17 private licensed schools shall establish a sexual violence
18 awareness educational program. Institutions of higher education
19 and private licensed schools may collaborate with a Statewide
20 nonprofit organization, local rape crisis center or local sexual
21 assault program that arranges for the provision of services to
22 sexual violence and rape victims in the development of a sexual
23 violence awareness education program. Each education program
24 shall provide the following:

25 * * *

26 (2) A discussion of affirmative sexual consent,
27 including [an explanation that the victim is not at fault]
28 the information contained in the affirmative consent standard
29 under section 1512.2(a) (2) (iv).

30 * * *

1 Section 3. The addition of section 1512.2 of the act shall
2 apply to school years beginning after the effective date of this
3 section.

4 Section 4. This act shall take effect in 90 days.