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# A BILL FOR AN ACT

RELATING TO HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that sexuality health  
2 education promotes healthy attitudes on adolescent growth and  
3 development, body image, gender and sexuality, dating,  
4 relationships, and family. The legislature further finds that  
5 sexuality health education should positively affect adolescent  
6 behavior and provide teens with the information, skills, and  
7 support they need to develop positive values, make healthy  
8 decisions, and respect the important role that sexuality plays  
9 throughout a person's life. In the past three years, several  
10 states, including Hawaii, have enacted laws that require school  
11 districts that teach sexuality health education to include age  
12 appropriate, medically accurate health education. The  
13 legislature finds, however, that the effectiveness of sexuality  
14 health education in Hawaii's schools could be bolstered by  
15 providing clearer guidance on a comprehensive approach to  
16 sexuality health education, greater flexibility in the  
17 implementation of the curricula, and greater public access to  
18 the curricula.



1 The purpose of this Act, therefore, is to:

- 2 (1) Specify additional elements to include in Hawaii's  
3 existing sexuality health education law;
- 4 (2) Require the department of education to provide  
5 information on the curricula to the public; and
- 6 (3) Allow parents to request that their children not  
7 receive the sexuality health education provided  
8 pursuant to Hawaii's sexuality health education law.

9 SECTION 2. Section 321-11.1, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 "[+]§321-11.1[+] **Medically accurate sexuality health**  
12 **education.** (a) Sexuality health education programs funded by  
13 the State shall provide medically accurate and factual  
14 information that [~~s~~]:

- 15 (1) Is age appropriate [~~and includes~~];
- 16 (2) Includes education on abstinence, contraception, and  
17 methods of disease prevention to prevent unintended  
18 pregnancy and sexually transmitted disease, including  
19 human immunodeficiency virus[~~+~~];
- 20 (3) Helps students develop relationships and communication  
21 skills to form healthy relationships that are based on



1           mutual respect and affection and free from violence,  
2           coercion, and intimidation;

3           (4) Helps students develop skills in critical thinking,  
4           problem solving, decision making, and stress  
5           management to make healthy decisions about sexuality  
6           and relationships; and

7           (5) Encourages students to communicate with their parents,  
8           guardians, and other trusted adults about sexuality  
9           and intimate relations.

10          (b) At their own discretion, teachers may answer in good  
11 faith any question initiated by a student or students that is  
12 reasonably related to and consistent with the material of a  
13 course provided pursuant to subsection (a).

14          (c) The department of education may eliminate or modify  
15 components of instruction under subsection (a)(2) in elementary  
16 school for reasons of age appropriateness.

17          (d) Sexuality health education under subsection (a) shall  
18 not discriminate on the basis of sex, race, ethnicity, national  
19 origin, disability, religion, sexual orientation, or gender  
20 identity.

21          (e) The department of education shall develop, maintain,  
22 and make available to the public a current list of sexuality



1 health education curricula that are consistent with the  
2 requirements under subsection (a).

3 (f) A student shall be excused from any part of the  
4 instruction provided pursuant to this section only upon the  
5 written request of the student's parent or legal guardian. A  
6 student may not be subject to disciplinary action, academic  
7 penalty, or other sanction if the student's parent or legal  
8 guardian requests that the student not receive the instruction  
9 provided under this section.

10 (g) The department of education shall establish minimum  
11 education and training qualifications for sexuality health  
12 education teachers.

13 [~~b~~] (h) For the purposes of this section:

14 "Age appropriate" means suitable to a particular age or age  
15 group based on developing cognitive, emotional, and behavioral  
16 capacity typical for that age or age group.

17 "Factual information" means medical, psychiatric,  
18 psychological, empirical, or statistical information that is  
19 verified or supported by research conducted by recognized  
20 medical, psychiatric, psychological, and public health  
21 professionals or organizations.



1 "Medically accurate" means verified or supported by  
2 research conducted in compliance with accepted scientific  
3 methods and recognized as accurate and objective by professional  
4 organizations and agencies with expertise in the relevant field,  
5 such as the federal Centers for Disease Control and Prevention,  
6 the American Public Health Association, the American Academy of  
7 Pediatrics, and the American College of Obstetricians and  
8 Gynecologists.

9 "Sexuality health education" means education in any medium  
10 regarding human development and sexuality, including education  
11 on pregnancy, family planning, and sexually transmitted  
12 diseases."

13 SECTION 3. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Keiki Caucus; Comprehensive Sex Education

**Description:**

Specifies additional elements to include in Hawaii's existing sexuality health education law. Requires the Department of Education to provide specified information to the public. Requires students to be excused from the provided instruction under specified conditions. (HB399 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

