

HB 1185-FN - AS INTRODUCED

2024 SESSION

24-2095
02/05

HOUSE BILL ***1185-FN***

AN ACT relative to sexual education instruction.

SPONSORS: Rep. Reid, Hills. 27; Rep. C. Brown, Graf. 10; Rep. Sellers, Graf. 18; Rep. Seidel, Hills. 29; Rep. Mazur, Hills. 44; Rep. Colcombe, Hills. 30; Sen. Avard, Dist 12; Sen. Murphy, Dist 16

COMMITTEE: Education

ANALYSIS

This bill establishes standards for sexual education instruction.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~in brackets and struckthrough~~.
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to sexual education instruction.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Sexual Education Instruction Standards. Amend RSA 186 by inserting after
2 section 11 the following new section:

3 186:11-a Sexual Education Instruction Standards.

4 Pursuant to RSA 186:11, IX and RSA 189:10, II, the state board of education and every local
5 school board shall adopt the following standards of human sexual education for all K-12 sexual
6 education instruction.

7 I. In this section:

8 (a) "Disseminate" means to import, publish, produce, print, manufacture, distribute, sell,
9 lease, exhibit or display.

10 (b) "Knowledge" means general awareness of the nature of the content of the material.

11 (c) "Material" means any printed matter, visual representation, live performance or
12 sound recording including, but not limited to, books, e-books, book apps, magazines, motion picture
13 films, pamphlets, phonographic records, pictures, photographs, figures, statues, plays, dances or
14 other representations.

15 (d) "Obscene" means material that:

16 (1) When applying the contemporary standards of the county within which the
17 material is presented, its predominant appeal is to the prurient interest in sex, that is, an interest in
18 lewdness or lascivious thoughts or behavior;

19 (2) Depicts or describes sexual conduct in a manner so explicit as to be patently
20 offensive; and

21 (3) Lacks serious literary, artistic, political or scientific value.

22 (e) "Predominant appeal" shall be judged with reference to ordinary adults unless it
23 appears from the character of the material or the circumstances of its dissemination to be designed
24 for children or other especially susceptible audience.

25 (f) "Sexual conduct" means human masturbation, sodomy, oral sex, sexual intercourse,
26 actual or simulated, whether alone or between members of the same or opposite sex or between
27 humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of
28 the genitals, flagellation, bondage or torture in the context of a sexual relationship. Sexual
29 intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of
30 the consummation of sexual intercourse.

31 (g) "Child" means a person under the age of 18.

1 (h) "Lifestyle" means how an individual chooses to live their sexual life, be it as a
2 heterosexual, homosexual, transsexual, asexual, celibate, gender fluid, or any other sexual lifestyle.

3 (i) "Human sexual education instructor" means a registered nurse, licensed by the state
4 nursing board, with state licensure and continuing education units (C.E.U.) in current standing, and
5 a proficient understanding of human sexuality.

6 II. Human sexual education shall be evidence-based, medically accurate, and shall include:

7 (a) Self-respect, respect of all other peoples;

8 (b) Inappropriate or unwelcome touch;

9 (c) Personal hygiene;

10 (d) Hormonal (pubescent) changes;

11 (e) Abstinence, emphasizing that abstinence from sexual activity, if used consistently
12 and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually
13 transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency
14 syndrome, and the emotional trauma associated with adolescent sexual activity;

15 (f) Contraception, teaching contraception and condom use in terms of human use reality
16 rates (success and failure percentages) instead of theoretical laboratory rates (if instruction on
17 contraception and condoms is included in curriculum content);

18 (g) HIV/AIDS and prevention, to include the fact that this is a life-long disease, and that
19 there is no cure;

20 (h) STDs and prevention;

21 (i) Date violence, date rape and prevention;

22 (j) Healthy relationships;

23 (k) Sex trafficking and grooming;

24 (l) Pregnancy; and

25 (m) Anatomy and physiology.

26 (n) Alcohol and other drugs (AOD), teaching of use, abuse and prevention thereof, as
27 well as the risks of it becoming a life-long addiction, and that use decreases one's ability to make
28 sound decisions.

29 III. Sexual education shall be age appropriate, and administered according to the following
30 schedule:

31 (a) Kindergarten through fifth grade, covering solely the aspects of self-respect, respect
32 of all other peoples, and inappropriate or unwelcome touch;

33 (b) Fifth grade or 10 years of age, whichever comes later, covering solely personal
34 hygiene and hormonal (pubescent) changes. Instruction shall be given to girls for female hygiene
35 and hormonal changes in a separate classroom from boys, who shall be taught male hygiene and
36 hormonal changes;

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1 (c) Sixth grade or 11 years of age, whichever comes later, all other facets of human
2 sexual education as outlined in this section.

3 IV. Sexual education shall require parent or legal guardian written consent. Curriculum
4 materials proposed to be adopted for the school district's human sexual education instruction shall
5 be made available to parents and legal guardians at the beginning of the school year, and shall be
6 posted in-full on each town, city, co-op , or SAU website. Any addition to or diversion from said
7 program shall be made available to the parents or legal guardians not less than 14 days in advance
8 of proposed instruction, and shall remain within the parameters of this section.

9 V. The school district or school nurse shall provide parents and legal guardians a minimum
10 of 14 days advance notice of any proposed instruction and materials on human sexual education, and
11 shall provide the parents or legal guardians the ability to opt in to the human sexual education
12 instruction each and every time this material is to be offered to students. Such policy shall include a
13 provision for alternative learning sufficient to enable the child to meet state requirements for health
14 education.

15 VI. Sexual education shall not include any instruction or provision of materials via
16 computer, books, e-books, book apps, magazines, performances, role-playing, and any other materials
17 used in providing instruction in the classrooms or on display on any school properties in the K-12
18 school environment, on the topic of gender identity, gender expression, sexual orientation and
19 identity, or any other life-style. Any infraction of this section shall incur disciplinary action from the
20 state licensing board for a first offense, termination of employment in the school system for a second
21 offense.

22 VII. Human sexual education shall be reserved solely for specific human sexual education
23 classes. It shall not be taught or included in any way in any other academic subject
24 instruction/curriculum.

25 VIII. Human sexual education shall be taught by a registered nurse, currently licensed by
26 the state board of nursing. No human sexual education instructor, teacher, school employee or
27 school volunteer, temporary or per diem hires, outside hires, superintendent, or school board
28 member shall teach or elaborate on sexual lifestyles to students who are under the age of 18 years.
29 Any need for further discussion beyond the parameters of this section shall be presented to, and
30 addressed by, the parents or legal guardians of the children for further discussion and discretion,
31 and that children's personal pediatrician if the parents or legal guardians so choose.

32 IX. Pursuant to RSA 354-A:27, this act prohibits discrimination against age, sex, gender
33 identity, sexual orientation, race, color, marital status, familial status, disability, religion, or
34 national origin.

35 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1185-FN- FISCAL NOTE
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AN ACT relative to sexual education instruction.

FISCAL IMPACT: ☒ State ☐ County ☒ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures	\$0	Indeterminable		
Funding Source(s)	General Fund			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ N/A

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	Indeterminable		

METHODOLOGY:

This bill, presumed effective for the 2024-2025 school year, would amend RSA 186:11 to require that the state board of education and every local school board adopt the standards for human sexual education for all K-12 sexual education instruction. Such instruction would be required to be evidence based, medically accurate, and taught by a registered nurse who is currently licensed by the Board of Nursing. No other school personnel would be allowed to teach this content and it cannot be taught or included in any other academic subject instruction or curriculum. Sexual education would require parental consent and the curriculum materials must be made available at the start of the school year, and any change to the program must be made available not less than 14 days in advance of the proposed instruction.

The Department of Education states there could be an impact on local expenditures for school districts to comply with the provisions of this bill. Amount of potential impact would vary by district, depending on their current staffing levels and current sexual education instruction.

The Department adds there could be an increase in state expenditures, as violations of this bill would require disciplinary action by the “state licensing board” (presumed to be the Board of Nursing).

AGENCIES CONTACTED:

Department of Education