



## 2023 ASSEMBLY BILL 1107

February 23, 2024 - Introduced by Representatives CONLEY, SUBECK, SHELTON, BALDEH, EMERSON, RATCLIFF, SINICKI, JACOBSON, OHNSTAD, PALMERI, STUBBS, CLANCY and J. ANDERSON, cosponsored by Senators AGARD, ROYS, SPREITZER, LARSON and SMITH. Referred to Committee on Health, Aging and Long-Term Care.

**AN ACT** *to repeal* 118.019 (2) (a) 10. and 118.019 (2) (a) 11.; *to renumber and amend* 118.019 (1m) (b), 118.019 (2d) and 118.019 (3); *to amend* 115.29 (7), 118.019 (1m) (a), 118.019 (2) (a) 1. and 2., 118.019 (2) (a) 5., 118.019 (2) (c), 118.019 (2) (e), 118.019 (4), 118.019 (5) and 146.89 (3r) (e); *to repeal and recreate* 118.019 (1), 118.019 (2) (intro.) and 118.019 (2m); and *to create* 118.019 (1m) (b) 1. and 3., 118.019 (2) (a) 3., 3m. and 4., 118.019 (2) (a) 6. and 118.019 (2r) of the statutes; **relating to:** human growth and development instruction.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a school board may offer an instructional program in human growth and development, and current law recommends, but does not require, that a school board include certain instructional topics in the instructional program. Under the bill, school boards must provide an instructional program in human growth and development (instructional program) in grades kindergarten to 12. The requirements for the mandatory instructional program are based on the

**ASSEMBLY BILL 1107**

requirements created in 2009 Wisconsin Act 134, known as the Healthy Youth Act, for optional instructional program provided by school boards.

Under the bill, the instructional program must present medically accurate information to pupils and must, among other things, address the following topics when age-appropriate:

1. The importance of communication between the pupil and the pupil's family members about sexuality and decision-making about sexual behavior.
2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional changes that accompany maturation.
3. Puberty, pregnancy, parenting, body image, and gender stereotypes.
4. The skills needed to make responsible decisions about sexuality and sexual behavior throughout the pupil's life, including how to refrain from making inappropriate verbal, physical, and sexual advances and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical, and sexual behaviors.
5. The benefits of and reasons for abstaining from sexual activity.
6. The health benefits, side effects, and proper use of contraceptives and barrier methods to prevent pregnancy and sexually transmitted infections.
7. Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
8. How alcohol and drug use affect responsible decision making.
9. The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.
10. Marriage and parental responsibility.
11. The criminal penalties for engaging in sex.

Under current law, the state superintendent of public instruction may apply for federal funds allocated for providing instruction in any of the topics recommended under current law to be included in a human growth and development instructional program. The bill modifies that authority by authorizing the state superintendent to apply for federal funds allocated for evidence-based teen pregnancy prevention programs in order to implement such a program.

Finally, the bill allows a volunteer health care provider to provide instruction in human growth and development if the instructional program complies with the requirements above. Under current law, a "volunteer health care provider" is an individual who meets certain licensing requirements and who, while receiving no income, provides certain health care services free of charge to pupils from four-year-old kindergarten to grade six at a public school or private school participating in a parental choice program. Current law explicitly prohibits a volunteer health care provider from providing that instruction.

For further information see the local fiscal estimate, which will be printed as an appendix to this bill.

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**ASSEMBLY BILL 1107**

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 115.29 (7) of the statutes is amended to read:

115.29 (7) TEEN PREGNANCY PREVENTION. Apply for all federal funds allocated ~~for providing instruction in any of the subjects identified in s. 118.019 to~~ evidence-based teen pregnancy prevention programs that have been proven through rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce teen pregnancy in order to implement such a program.

**SECTION 2.** 118.019 (1) of the statutes is repealed and recreated to read:

118.019 (1) PURPOSE. The purpose of this section is to ensure that all school boards provide pupils in their districts with age-appropriate instruction in human growth and development. The instruction should support and enhance communication between pupils and their parents and provide pupils with the knowledge, skills, and support necessary to make healthy decisions now and throughout their lifetimes and to make responsible decisions about sexual behavior.

**SECTION 3.** 118.019 (1m) (a) of the statutes is amended to read:

118.019 (1m) (a) “Age-appropriate” means suitable to a particular age group of pupils based on ~~their~~ the developing cognitive and emotional capacity of and ~~consistent with adolescent development and community standards~~ behaviors typical for the age group.

**SECTION 4.** 118.019 (1m) (b) of the statutes is renumbered 118.019 (1m) (b) (intro.) and amended to read:

118.019 (1m) (b) (intro.) “Medically accurate information” means information that is ~~scientifically based and published, where~~ all of the following:

**ASSEMBLY BILL 1107****SECTION 4**

2. When appropriate, published in peer-reviewed journals and textbooks.

**SECTION 5.** 118.019 (1m) (b) 1. and 3. of the statutes are created to read:

118.019 (1m) (b) 1. Supported by the weight of research conducted in compliance with accepted scientific methods.

3. Recognized as accurate by relevant leading professional organizations or agencies, such as the American Medical Association, the American Public Health Association, or the American Academy of Pediatrics.

**SECTION 6.** 118.019 (2) (intro.) of the statutes is repealed and recreated to read:

118.019 (2) INSTRUCTIONAL PROGRAM. (intro.) A school board shall provide an instructional program in human growth and development in grades kindergarten to 12. The school board shall develop the instructional program to include the subjects under sub. (2r) and to do all of the following:

**SECTION 7.** 118.019 (2) (a) 1. and 2. of the statutes are amended to read:

118.019 (2) (a) 1. The importance of communication about sexuality and decision-making about sexual behavior between the pupil and the pupil's parents ~~or, guardians, or other family members~~.

2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional, ~~and intellectual~~ changes that accompany maturation.

**SECTION 8.** 118.019 (2) (a) 3., 3m. and 4. of the statutes are created to read:

118.019 (2) (a) 3. Puberty, pregnancy, parenting, and body image.

3m. Gender, gender expression, gender identity, and the harm of negative gender stereotypes.

**ASSEMBLY BILL 1107****SECTION 8**

4. The skills needed to make responsible decisions about sexuality and sexual behavior throughout the pupil's life, including how to refrain from making inappropriate verbal, physical, and sexual advances and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

**SECTION 9.** 118.019 (2) (a) 5. of the statutes is amended to read:

118.019 (2) (a) 5. The benefits of and reasons for abstaining from sexual activity. Instruction under this subdivision shall stress the value of abstinence as the ~~only~~ most reliable way to prevent pregnancy and sexually transmitted infections, ~~and shall identify the skills necessary to remain abstinent.~~

**SECTION 10.** 118.019 (2) (a) 6. of the statutes is created to read:

118.019 (2) (a) 6. The health benefits, side effects, and proper use of contraceptives and barrier methods approved by the federal food and drug administration to prevent pregnancy and barrier methods approved by the federal food and drug administration to prevent sexually transmitted infections.

**SECTION 11.** 118.019 (2) (a) 10. of the statutes is repealed.

**SECTION 12.** 118.019 (2) (a) 11. of the statutes is repealed.

**SECTION 13.** 118.019 (2) (c) of the statutes is amended to read:

118.019 (2) (c) ~~Address~~ Promote self-esteem and ~~personal responsibility,~~ positive interpersonal skills, ~~and~~ with an emphasis on healthy relationships, including friendships, marriage, and romantic and familial relationships.

**SECTION 14.** 118.019 (2) (e) of the statutes is amended to read:

118.019 (2) (e) Address ~~the positive connection between~~ marriage and ~~parenting~~ parental responsibility.

**ASSEMBLY BILL 1107****SECTION 15**

**SECTION 15.** 118.019 (2d) of the statutes is renumbered 118.019 (2) (b) and amended to read:

118.019 (2) (b) ~~An instructional program under this section shall use~~ Use instructional methods and materials that, ~~consistent with s. 118.13 (1), do not discriminate~~ promote bias against a pupil based upon the pupil's race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities. ~~Nothing in this subsection shall be construed to prohibit a school board from approving an instructional program under this section that includes instruction on abstinence from sexual activity or that is abstinence-centered.~~

**SECTION 16.** 118.019 (2m) of the statutes is repealed and recreated to read:

118.019 (2m) INSTRUCTION; REQUIREMENTS. A school board shall ensure that instruction provided under sub. (2) (a) does all of the following:

(a) Presents abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils.

(b) Emphasizes that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

**SECTION 17.** 118.019 (2r) of the statutes is created to read:

118.019 (2r) REQUIRED SUBJECTS; CRIME. A school board shall, when age-appropriate, instruct pupils about all of the following:

**ASSEMBLY BILL 1107****SECTION 17**

(a) The criminal penalties for engaging in sexual activities involving a child under ch. 948.

(b) The sex offender registration requirements under s. 301.45. Instruction under this paragraph shall include who is required to report under s. 301.45, what information must be reported, who has access to the information reported, and the implications of being registered under s. 301.45.

**SECTION 18.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and amended to read:

118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. (intro.) Each school board ~~that provides an instructional program in human growth and development~~ shall annually provide the parents or guardians of each pupil enrolled in the school district with an outline of the human growth and development curriculum used in the pupil's grade level; and information regarding how the parent or guardian may inspect the complete curriculum and instructional materials, ~~an explanation of the exemption under sub. (4), and a statement that pupils exempted from instruction under this section will still receive instruction in the subjects under s. 118.01 (2) (d) 2. c., unless exempted, and s. 118.01 (2) (d) 8.~~ The school board shall make the complete human growth and development curriculum and all instructional materials available for inspection by a parent or guardian upon his or her request at any time, including prior to their use in the classroom.

**SECTION 19.** 118.019 (4) of the statutes is amended to read:

118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to

**ASSEMBLY BILL 1107****SECTION 19**

take instruction in human growth and development or in the specific subjects under subs. (2) and ~~(2m)~~ (2r) if the pupil's parent or guardian files with the teacher or school principal a written request that the pupil be exempted.

**SECTION 20.** 118.019 (5) of the statutes is amended to read:

118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human growth and development curriculum, the school board shall appoint an ~~ad hoc~~ advisory committee ~~whose role is to~~ composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district. The advisory committee shall develop the human growth and development curriculum and advise the school board on the design, review, and implementation of the human growth and development curriculum ~~and to review the curriculum. Parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district shall comprise the committee. No one category of member shall constitute more than one fifth of the membership of the committee, except that parents may comprise more than one fifth of the membership of the committee. No more than one quarter of the members of the committee may be made up of employees of the school district or their spouses or members of the school board or their spouses. The~~ advisory committee shall review the curriculum at least every 3 years.

**SECTION 21.** 146.89 (3r) (e) of the statutes is amended to read:

146.89 (3r) (e) Under this subsection, a volunteer health care provider may ~~not~~ provide instruction in human growth and development ~~under~~ if the instructional program is in compliance with requirements of s. 118.019.



**ASSEMBLY BILL 1107**

**SECTION 22**

**SECTION 22. Effective date.**

(1) This act takes effect on July 1, 2024.

**(END)**