

Sub. H.B. 59  
LSC 130 0009-3

\_\_\_\_\_ moved to amend as follows:

In line 599, after "3313.603," insert "3313.6011," 1

Between lines 38980 and 38981, insert: 2

**"Sec. 3313.6011.** (A) As used in this section, ~~"sexual:~~ 3

(1) "Sexual activity" has the same meaning as in section 4  
2907.01 of the Revised Code. 5

(2) "Gateway sexual activity" means activities described as 6  
"sexual contact" in section 2907.01 of the Revised Code. 7

(B) Instruction in venereal disease education pursuant to 8  
division (A) (5) (c) of section 3313.60 of the Revised Code shall 9  
emphasize that abstinence from sexual activity is the only 10  
protection that is one hundred per cent effective against unwanted 11  
pregnancy, sexually transmitted disease, and the sexual 12  
transmission of a virus that causes acquired immunodeficiency 13  
syndrome. 14

(C) In adopting minimum standards under section 3301.07 of 15  
the Revised Code, the state board of education shall require 16  
course material and instruction in venereal disease education 17  
courses taught pursuant to division (A) (5) (c) of section 3313.60 18  
of the Revised Code to do all of the following: 19

(1) Stress that students should abstain from sexual activity 20

until after marriage; 21

(2) Teach the potential physical, psychological, emotional, 22  
 and social side effects of participating in sexual activity 23  
 outside of marriage; 24

(3) Teach that conceiving children out of wedlock is likely 25  
 to have harmful consequences for the child, the child's parents, 26  
 and society; 27

(4) Stress that sexually transmitted diseases are serious 28  
 possible hazards of sexual activity; 29

(5) Advise students of the laws pertaining to financial 30  
 responsibility of parents to children born in and out of wedlock; 31

(6) Advise students of the circumstances under which it is 32  
 criminal to have sexual contact with a person under the age of 33  
 sixteen pursuant to section 2907.04 of the Revised Code; 34

(7) Emphasize adoption as an option for unintended 35  
 pregnancies. 36

(D) Any model education program for health education the 37  
 state board of education adopts shall conform to the requirements 38  
 of this section. 39

(E) Instruction under this section shall not utilize the 40  
 services of any individual or organization to assist in teaching 41  
 the coursework if that individual or organization endorses student 42  
 nonabstinence from sexual activity as an appropriate or acceptable 43  
 behavior, or if that individual or organization promotes, 44  
 endorses, advocates, or condones gateway sexual activity. 45

(F) Instruction under this section shall not do any of the 46  
 following: 47

(1) Promote, implicitly or explicitly, any gateway sexual 48

activity or health message that encourages students to experiment with sexual activity; 49  
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(2) Provide or distribute on school grounds materials that condone, encourage, or promote student sexual activity among unmarried students; 51  
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(3) Display or conduct demonstrations with devices specifically manufactured for sexual stimulation; 54  
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(4) Distribute contraception on school property. 56

Medically accurate information about contraception and condoms may be provided if the information is presented in a manner consistent with provisions of this section and clearly informs students that while such methods may reduce the risk of acquiring sexually transmitted diseases or pregnancy, only abstinence removes all risk. 57  
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(G)(1) If a student receives instruction by an individual or organization that promotes gateway sexual activity or demonstrates sexual activity, in violation of division (E) or (F) of this section, the student's parent or legal guardian shall have a cause of action against that individual or organization for actual damages plus reasonable attorney's fees and court costs. 63  
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(2) If a student's parent or legal guardian is the prevailing party to an action brought under division (G)(1) of this section, a court may impose a civil fine in an amount not to exceed five thousand dollars. 69  
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(3) An action brought under division (G)(1) of this section shall be commenced within one year after the alleged violation occurred. 73  
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(H)(1) The provisions of division (F) of this section shall not apply to instruction by any teacher, instructor, or 76  
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organization who, with respect to a course or class otherwise 78  
offered in accordance with the requirements of this section, 79  
orally answers in good faith any question, or series of questions, 80  
germane and material to the course, asked of a teacher or 81  
instructor and initiated by a student or students enrolled in the 82  
course. 83

(2) Notwithstanding any other law to the contrary and 84  
regardless of the title or designated name of a particular class 85  
or course, any instruction in sex education or sexual activity 86  
shall comply with the requirements of this section. However, 87  
nothing in this section shall prohibit the scientific study of the 88  
sexual reproductive system through coursework in biology, 89  
physiology, anatomy, health, or physical education. 90

(I) On and after March 18, 1999, and notwithstanding section 91  
3302.07 of the Revised Code, the superintendent of public 92  
instruction shall not approve, pursuant to section 3302.07 of the 93  
Revised Code, any waiver of any requirement of this section or of 94  
any rule adopted by the state board of education pursuant to this 95  
section." 96

In line 113158, after "3313.603," insert "3313.6011," 97

In line 64 of the title, after "3313.603," insert 98  
 "3313.6011," 99

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

**Sexual Education Course Content** 100  
**R.C. 3313.6011** 101

Prohibits the instruction of sexual education coursework by 102  
 an individual who or an organization that endorses student 103  
 nonabstinence from sexual activity as an acceptable behavior, or 104  
 promotes, endorses, advocates, or condones "gateway sexual 105  
 activity." 106

Specifies prohibitions, conditions, and exemptions for sexual 107  
 education course instruction when dealing with contraception, 108  
 sexual demonstrations, sexual materials, and sexual activities and 109  
 messages that encourage experimentation with sexual activity. 110

Grants a student's parent or guardian a cause of action 111  
 against an individual who, or an organization that, promotes 112  
 gateway sexual activity or demonstrates sexual activity in sexual 113  
 education instruction. 114

Defines "gateway sexual activity" for purposes of the 115  
 amendment as "sexual contact," as defined under current law in the 116  
 Criminal Code, which is the touching of another person in an 117  
 erogenous zone. 118