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Ruth McClendon

FLOOR AMENDMENT NO. _____

1 Amend H.B. No. 2 as follows:

2 (1) On Page 5, between lines 25 and 26, insert the
3 following:

4 (d) The prohibitions and requirements under Sections
5 171.043, 171.044, and 171.045(b) do not apply to an abortion
6 performed on a minor if the minor or her legal representative
7 verifies to the treating physician that she did not receive
8 effective instruction relating to human sexuality provided in
9 compliance with Section 28.004(e), Education Code, that was
10 sufficient to inform her of the potential risks of pregnancy and
11 complications that could affect her medical condition.

12 (2) On page 16, strike lines 5-16 and substitute the
13 following:

14 (19) performs an abortion on an unemancipated minor
15 without the written consent of the child's parent, managing
16 conservator, or legal guardian or without a court order, as
17 provided by Section 33.003 or 33.004, Family Code, authorizing
18 the minor to consent to the abortion, unless:

19 (A) the physician concludes that on the basis of
20 the physician's good faith clinical judgment, a condition exists
21 that complicates the medical condition of the pregnant minor and
22 necessitates the immediate abortion of her pregnancy to avert
23 her death or to avoid a serious risk of substantial impairment
24 of a major bodily function and that there is insufficient time
25 to obtain the consent of the child's parent, managing
26 conservator, or legal guardian; or

27 (B) the minor verifies to the physician that she
28 did not receive effective instruction relating to human
29 sexuality provided in compliance with Section 28.004(e),

1 Education Code, that was sufficient to inform her of the
2 potential risks of pregnancy and complications that could affect
3 her medical condition; or

4 (3) Add the following appropriately numbered SECTIONS and
5 renumber subsequent SECTIONS of the bill and any cross-
6 references to those SECTIONS accordingly:

7 SECTION _____. Section 28.004, Education Code, is amended
8 by amending Subsections (e) and (i) and adding Subsection (o) to
9 read as follows:

10 (e) Any course materials and instruction relating to human
11 sexuality, sexually transmitted infections [~~diseases~~], or human
12 immunodeficiency virus or acquired immune deficiency syndrome
13 shall be selected by the board of trustees with the advice of
14 the local school health advisory council and must:

15 (1) present abstinence from sexual activity as the
16 preferred choice of behavior in relationship to all sexual
17 activity for [~~unmarried~~] persons of school age;

18 (2) devote sufficient [~~more~~] attention to abstinence
19 from sexual activity to emphasize the importance of abstinence
20 [~~than to any other behavior~~];

21 (3) emphasize that abstinence from sexual activity,
22 if used consistently and correctly, is the only method that is
23 100 percent effective in preventing pregnancy, abortion,
24 sexually transmitted infections [~~diseases~~], infection with human
25 immunodeficiency virus, [~~or~~] acquired immune deficiency
26 syndrome, and the emotional distress that may be [~~trauma~~]
27 associated with adolescent sexual activity that results in a
28 sexually transmitted infection or an unintended pregnancy;

29 (4) direct adolescents to a standard of behavior in
30 which abstinence from sexual activity before marriage is the
31 most effective way to prevent pregnancy, abortion, sexually

1 transmitted infections [~~diseases~~], [~~and~~] infection with human
2 immunodeficiency virus, and [~~or~~] acquired immune deficiency
3 syndrome; [~~and~~]

4 (5) present age-appropriate information in accordance
5 with national standards;

6 (6) be evidence-based;

7 (7) provide age-appropriate information about the
8 effectiveness of methods approved by the United States Food and
9 Drug Administration for reducing the risk of contracting
10 sexually transmitted infections, including human
11 immunodeficiency virus, and preventing unintended pregnancy;

12 (8) promote healthy relationships and decision-making
13 skills such as strategies:

14 (A) to promote effective communication between
15 adolescents and their parents and other family members or their
16 legal guardians;

17 (B) to develop healthy relationships; and

18 (C) to develop healthy life skills, including
19 goal-setting, responsible decision making, refusal and
20 negotiation, and effective communication; and

21 (9) for middle, junior high, and high school
22 students, discuss the district's dating violence policy adopted
23 under Section 37.0831 [~~teach contraception and condom use in~~
24 ~~terms of human use reality rates instead of theoretical~~
25 ~~laboratory rates, if instruction on contraception and condoms is~~
26 ~~included in curriculum content].~~

27 (i) Before each school year, a school district shall
28 provide written notice to a parent of each student enrolled in
29 the district of the board of trustees' decision regarding
30 whether the district will provide human sexuality instruction to
31 district students. If instruction will be provided, the notice

1 must include:

2 (1) a summary of the basic content of the district's
3 human sexuality instruction to be provided to the student,
4 including a statement informing the parent that the instruction
5 is required by [~~of the instructional requirements under~~] state
6 law to:

7 (A) present abstinence from sexual activity as
8 the preferred choice of behavior in relationship to all sexual
9 activity for persons of school age; and

10 (B) devote sufficient attention to abstinence
11 from sexual activity to emphasize the importance of abstinence;

12 (2) a statement of whether the instruction is
13 considered by the district to be abstinence-only instruction or
14 comprehensive instruction, including an explanation of the
15 difference between those types of instruction and a specific
16 statement regarding whether the student will receive information
17 on contraception and condom use;

18 (3) [~~+2~~] a statement of the parent's right to:

19 (A) review curriculum materials as provided by
20 Subsection (j); and

21 (B) remove the student from any part of the
22 district's human sexuality instruction without subjecting the
23 student to any disciplinary action, academic penalty, or other
24 sanction imposed by the district or the student's school; and

25 (4) [~~+3~~] information describing the opportunities
26 for parental involvement in the development of the curriculum to
27 be used in human sexuality instruction, including information
28 regarding the local school health advisory council established
29 under Subsection (a).

30 (o) In this section:

31 (1) "Abstinence-only instruction" means instruction

1 that does not include information about preventing pregnancy,
2 abortion, sexually transmitted infections, infection with human
3 immunodeficiency virus, or acquired immune deficiency syndrome
4 through any means other than total abstinence from sexual
5 activity.

6 (2) "Evidence-based" means information verified or
7 supported by research that is:

8 (A) conducted in compliance with accepted
9 scientific methods;

10 (B) published in peer-reviewed journals, if
11 appropriate;

12 (C) recognized as medically accurate, objective,
13 and complete by mainstream professional organizations and
14 agencies with expertise in the relevant field, including the
15 federal Centers for Disease Control and Prevention and the
16 United States Department of Health and Human Services; and

17 (D) proven through rigorous, scientific
18 evaluation to achieve positive outcomes on measures of sexual
19 risk behavior or its health consequences.

20 SECTION _____. (a) A school district that uses
21 instructional materials that do not reflect the requirements
22 prescribed by Section 28.004(e), Education Code, as amended by
23 this Act, shall also use appropriate supplemental instructional
24 materials as necessary to comply with those requirements.

25 (b) A school district that permits a person not employed
26 by the district to present one or more components of the
27 district's human sexuality instruction must require the person
28 to comply with the requirements prescribed by Section 28.004(e),
29 Education Code, as amended by this Act.