

By: Strama

H.B. No. 1694

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the improvement of women's health by providing certain  
3 services and information related to unintended pregnancies and  
4 sexually transmitted diseases.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. SHORT TITLE. This Act may be cited as the Texas  
7 Prevention Works Act.

8 SECTION 2. OUTREACH. Subchapter B, Chapter 531,  
9 Government Code, is amended by adding Section 531.095 to read as  
10 follows:

11 Sec. 531.095. IMPLEMENTATION OF MEASURES TO ACHIEVE  
12 CASELOAD AND COST-SAVINGS ESTIMATES. (a) To attain the state and  
13 federal cost-savings and reduced rates of unintended pregnancies  
14 estimated in the waiver application, or any renewal waiver  
15 application, submitted to the Centers for Medicare and Medicaid  
16 Services for implementation of the demonstration project  
17 authorized under Section 32.0248, Human Resources Code, the  
18 commission shall implement effective education, outreach, and  
19 other measures designed to increase participation in the  
20 demonstration project and through the increased participation  
21 achieve the caseload and cost-saving estimates stated in the waiver  
22 application.

23 (b) The commission, in complying with Subsection (a), may  
24 not take any action to decrease the level of programs and services

1 designed to reduce the number of unintended pregnancies and lower  
2 the rates of sexually transmitted diseases to below the level of  
3 programs and services provided on September 1, 2009.

4 SECTION 3. EDUCATION. Section 28.004, Education Code, is  
5 amended by amending Subsections (e) and (i) and adding Subsections  
6 (m) and (n) to read as follows:

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

12 (1) be medically accurate;

13 (2) present abstinence from sexual activity as the  
14 preferred choice of behavior in relationship to all sexual activity  
15 for unmarried persons of school age;

16 (3) [~~2~~] devote more attention to abstinence from  
17 sexual activity than to any other behavior;

18 (4) [~~3~~] emphasize that abstinence from sexual  
19 activity, if used consistently and correctly, is the only method  
20 that is 100 percent effective in preventing pregnancy, sexually  
21 transmitted diseases, infection with human immunodeficiency virus,  
22 [~~or~~] acquired immune deficiency syndrome, and the emotional trauma  
23 associated with adolescent sexual activity;

24 (5) [~~4~~] direct adolescents to a standard of behavior  
25 in which abstinence from sexual activity before marriage is the  
26 most effective way to prevent pregnancy, sexually transmitted  
27 diseases, [~~and~~] infection with human immunodeficiency virus, and

1 ~~[or]~~ acquired immune deficiency syndrome; and

2 (6) [~~(5)~~] teach contraception and condom use in terms  
3 of human use reality rates instead of theoretical laboratory rates,  
4 if instruction on contraception and condoms is included in  
5 curriculum content.

6 (i) Before providing human sexuality instruction to  
7 students, a [A] school district shall provide written notice to  
8 [notify] a parent of each student enrolled in the district. The  
9 notice must include [of]:

10 (1) a summary of the basic content of the district's  
11 human sexuality instruction to be provided to the student, with a  
12 statement informing the parent that the instruction is required by  
13 state law to:

14 (A) present abstinence from sexual activity as  
15 the preferred choice of behavior in relationship to all sexual  
16 activity for unmarried persons of school age; and

17 (B) devote more attention to abstinence from  
18 sexual activity than to any other behavior; [~~and~~]

19 (2) a statement of whether the instruction is  
20 considered by the district to be abstinence-only instruction or  
21 comprehensive instruction, including an explanation of the  
22 difference between those types of instruction and a specific  
23 statement regarding whether the student will receive information on  
24 contraception and condom use;

25 (3) if the instruction will include information on  
26 contraception and condom use, a statement that state law requires  
27 the information to be taught in terms of human use reality rates;

1           (4) a statement of the parent's right to:

2                   (A) review curriculum materials under Subsection  
3 (j); and

4                   (B) remove the student from any part of the  
5 district's human sexuality instruction, without subjecting the  
6 student to any disciplinary action, academic penalty, or other  
7 sanction; and

8           (5) information describing the opportunities for  
9 parental involvement in the development of curriculum to be used in  
10 the instruction, including information regarding the council  
11 established under Subsection (a).

12           (m) The board procedure adopted under Section 26.011  
13 applies to a complaint filed regarding a right guaranteed by this  
14 section.

15           (n) In this section:

16                   (1) "Abstinence-only instruction" means instruction  
17 that does not include information about preventing pregnancy,  
18 sexually transmitted diseases, infection with human  
19 immunodeficiency virus, or acquired immune deficiency syndrome  
20 through any means other than total abstinence from sexual activity.

21                   (2) "Medically accurate" means information that is:

22                           (A) verified or supported by the weight of  
23 research conducted in compliance with accepted scientific methods;

24                           (B) published in peer-reviewed journals; and

25                           (C) recognized as accurate, objective, and  
26 complete by mainstream professional organizations and agencies  
27 with expertise in the relevant field, including the federal Centers

1 for Disease Control and Prevention, the American College of  
2 Obstetricians and Gynecologists, the American Academy of  
3 Pediatrics, the American Public Health Association, the American  
4 Academy of Family Physicians, the Infectious Disease Society of  
5 America, and the American Psychological Association.

6 SECTION 4. WAIVER. If before implementing any provision of  
7 this Act a state agency determines that a waiver or authorization  
8 from a federal agency is necessary for implementation of that  
9 provision, the agency affected by the provision shall request the  
10 waiver or authorization and may delay implementing that provision  
11 until the waiver or authorization is granted.

12 SECTION 5. EFFECTIVE DATE. This Act takes effect September  
13 1, 2009.