

Amend HB 2 as follows:

(1) On page 5, between lines 25 and 26, insert the following:

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

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

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

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

(B) the minor verifies to the physician that she did not receive effective instruction relating to human sexuality provided in compliance with Section 28.004(e), Education Code, that was sufficient to inform her of the potential risks of pregnancy and complications that could affect her medical condition; or

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

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

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

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

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

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

(4) direct adolescents to a standard of behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy, abortion, sexually transmitted infections [~~diseases~~], [~~and~~] infection with human immunodeficiency virus, and [~~or~~] acquired immune deficiency syndrome; [~~and~~]

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

(6) be evidence-based;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) In this section:

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

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

(A) conducted in compliance with accepted scientific methods;

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

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

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

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

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