

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-122

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

MGF/KSW
HOUSE BILL

By: Representative Shelby

Filed with: House Interim Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS HEALTHY TEENS ACT;
TO PROVIDE EDUCATION IN PUBLIC SCHOOLS CONCERNING
HUMAN SEXUALITY; TO REQUIRE PUBLIC SCHOOLS THAT
PROVIDE CERTAIN INFORMATION OR PROGRAMS TO
STUDENTS CONCERNING HUMAN SEXUALITY TO PROVIDE
INFORMATION THAT MEETS SPECIFIED CRITERIA; AND
FOR OTHER PURPOSES.

Subtitle

THE ARKANSAS HEALTHY TEENS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 6, Chapter 10- Subchapter 1 is amended
to add an additional section to read as follows:

6-10-123. Arkansas Healthy Teens Act.

(a) This section shall be known and may be cited as the "Arkansas
Healthy Teens Act."

(b) The General Assembly finds that:

(1) The United States has the highest teen pregnancy rate in the
industrialized world with the rate increasing after several years of decline;

(2) In this country, eighty-two percent (82%) of teen
pregnancies occurring between fifteen (15) years of age and nineteen (19)
years of age are unintended;

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1 (3) Based on responses by Arkansas high school students to the
2 2007 Arkansas Youth Risk Behavior Survey, in 2006 nearly fifty-five percent
3 (55%) of high school age males and over fifty-five percent (55%) of high
4 school age females have had sexual intercourse, with nearly thirteen percent
5 (13%) of high school age males and six percent (6%) of high school age
6 females having had sexual intercourse before thirteen (13) years of age;

7 (4) Arkansas has the highest pregnancy rate among nonHispanic
8 white teenagers, seventy-seven per one thousand (77/1000), and ranks fourth
9 among the states in highest teen birth rates with more than sixty-three (63)
10 births per one thousand (1000) teen girls per year;

11 (5) In 2006 an estimated four thousand six hundred sixty-nine
12 (4,669) babies were born to unwed teen mothers in Arkansas;

13 (6) Teen childbearing in Arkansas cost taxpayers at least one
14 hundred twelve million dollars (\$112,000,000) in 2004, with one-half (1/2) of
15 that amount being state and local costs;

16 (7) The United States has the highest rate of sexually
17 transmitted infections in the industrialized world, with approximately
18 nineteen million (19,000,000) new cases of sexually transmitted infections in
19 2005, almost one-half (1/2) of them occurring in young people between the
20 fifteen (15) years of age and twenty-four (24) years of age;

21 (8) The first national study of four (4) common sexually
22 transmitted diseases among girls and young women has found that one (1) in
23 four (4) girls and young women is infected with at least one (1) of the
24 following four (4) diseases:

25 (A) Human papillomavirus;

26 (B) Chlamydia;

27 (C) Genital herpes; and

28 (D) Trichomoniasis;

29 (9) Recent estimates show the Arkansas rate of teen sexually
30 transmitted infections as one hundred fifty-five (155) per one thousand
31 (1,000);

32 (10) Research shows that teenagers who receive sexuality
33 education that includes discussion of contraception are more likely than
34 those who receive abstinence-only messages to delay sexual activity and to
35 use contraceptives when they do become sexually active; and

36 (11) The American Medical Association, the American Nurses

1 Association, the American Academy of Pediatrics, the American College of
2 Obstetricians and Gynecologists, the American Public Health Association, and
3 the Society of Adolescent Medicine support responsible sexuality education
4 that includes information regarding abstinence and contraception.

5 (c) A public school that receives state funding directly or indirectly
6 and that provides information, offers programs, or contracts with third
7 parties to provide information or offer programs regarding family planning,
8 pregnancy, or sexually transmitted infections, including HIV and AIDS, shall
9 provide comprehensive, medically accurate, and factual information that is
10 age-appropriate.

11 (d) As used in this section:

12 (1) "Comprehensive information" means information that:

13 (A) Helps young people gain knowledge about the physical,
14 biological, and hormonal changes of adolescence and subsequent stages of
15 human maturation;

16 (B) Develops the knowledge and skills necessary to protect
17 young people with respect to their sexual and reproductive health;

18 (C) Helps young people gain knowledge about responsible
19 decision-making;

20 (D) Is appropriate for use with students of any race,
21 gender, sexual orientation, and ethnic and cultural background;

22 (E) Develops healthy attitudes and values concerning
23 growth, development, and body image;

24 (F) Encourages young people to practice healthy life
25 skills, including without limitation goal setting, decision-making,
26 negotiation, and communication;

27 (G) Promotes self-esteem and positive interpersonal
28 skills, focusing on skills concerning human relationships and interactions,
29 including without limitation platonic, romantic, intimate, and family
30 relationships and interactions and how to avoid abusive relationships and
31 interactions;

32 (H) Teaches that abstinence is the only certain way to
33 avoid pregnancy or sexually transmitted diseases;

34 (I) Beginning in grade six (6):

35 (i) Emphasizes the value of abstinence while not
36 ignoring those adolescents who have had sexual intercourse and who after

1 having had sexual intercourse may or may not remain sexually active;

2 (ii) Helps young people gain knowledge about the
3 specific involvement and responsibilities for sexual decision-making for both
4 genders;

5 (iii) Provides information about the health benefits
6 and side effects of all contraceptives and barrier-protection methods as a
7 means of preventing pregnancy and reducing the risk of contracting sexually
8 transmitted infections, including without limitation HIV and AIDS;

9 (iv) Encourages family communication about sexuality
10 among parents, their children, and other adult household members; and

11 (v) Teaches skills for making responsible decisions
12 about sexuality, including without limitation how to avoid:

13 (a) Unwanted verbal, physical, and sexual
14 advances; and

15 (b) Making unwanted verbal, physical, and
16 sexual advances; and

17 (J) Teaches how alcohol and drug use may affect
18 responsible decision-making;

19 (2) "Factual information" includes without limitation medical,
20 psychiatric, psychological, empirical, and statistical statements; and

21 (3) "Medically accurate information" means information supported
22 by the weight of research conducted in compliance with generally accepted
23 scientific methods and recognized as accurate and objective by leading
24 professional organizations and agencies having relevant expertise in the
25 field of human sexuality.