

HOUSE BILL NO. 612
INTRODUCED BY T. HENRY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE HEALTHY YOUTH PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 10] may be cited as the "Healthy Youth Program Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 10], the following definitions apply:

- (1) "Age-appropriate sexuality education contract program" means a comprehensive age-based sexuality education program conducted by an eligible entity under contract with the department.
- (2) "Department" means the department of public health and human services provided for in 2-15-2201.
- (3) "Eligible entity" means a city, county, or tribal health service.
- (4) "Medically accurate" means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the field, such as the federal centers for disease control and prevention, the American public health association, the American academy of pediatrics, and the American college of obstetricians and gynecologists.
- (5) "Program plan" means the contract plan submitted to the department by an eligible entity.

NEW SECTION. **Section 3. Age-appropriate sexuality education contract program.** (1) The age-appropriate sexuality education contract program must be created and administered by the department after consultation with the office of public instruction.

(2) The purpose of the program is to provide contracts to eligible entities to support age-appropriate sexuality education contract programs for young people that provide them with topics of instruction as set forth in subsection (4).

(3) In order for an eligible entity to receive an annual contract, the entity shall submit a local health agency

authorization form, along with the components of instruction that will be offered in its age-appropriate sexuality education contract program.

(4) The emphasis on all components are not required to be equal. A program may not be inconsistent with any of the components or include information or messages that contradict any of the components. The components of instruction:

- (a) must be age-appropriate and medically accurate;
- (b) may not teach or promote religion. However, this requirement does not preclude discussion of moral, ethical, or religious views related to sex or sexual relationships.
- (c) must stress the benefits of sexual abstinence while addressing the health needs of adolescents who have had or who are engaged in a sexual relationship;
- (d) must provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted infections, HIV, AIDS, and other diseases and preventing unintended pregnancy;
- (e) must encourage family communication about sexuality among parents, other adult household members, and children;
- (f) must teach skills to make responsible decisions about sexuality, including how to prevent unwanted verbal, physical, and sexual advances. This requirement includes information about healthy versus unhealthy relationships, dating violence, sexual harassment, and sexual violence.
- (g) must illustrate how alcohol and drug use can affect responsible decisionmaking;
- (h) must help young people gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent changes of human maturation;
- (i) must assist young people in gaining knowledge and skills about the specific responsibilities of both relationship partners in consensual sexual decisionmaking;
- (j) must develop healthy attitudes concerning growth and development, body image, gender roles, sexual orientation, and other subjects;
- (k) must encourage young people to practice healthy life skills including goal setting, decisionmaking, negotiation, communication, and stress management; and
- (l) must promote self-esteem, healthy behaviors, positive interpersonal skills, and maintenance of personal safety within relationships including platonic, romantic, intimate, and family relationships.

(5) Any eligible entity may accept and, upon approval by the department, be awarded an annual age-appropriate sexuality education contract if the entity demonstrates the contract program plan is capable of

providing young people with an effective education program that is meaningful, substantially involves parents and other adults as feasible and appropriate, and is conducted in accordance with [sections 1 through 10].

NEW SECTION. Section 4. Contract program plan. (1) The eligible entity shall submit to the department a program plan along with its signed local health agency authorization form. The program plan must include a detailed description of the proposed age-appropriate sexuality education contract program, including but not limited to:

- (a) identification of components in [section 3] primarily addressed by the program plan;
 - (b) an outline of any curriculum to be used in the program, including instructional materials, books, videos, and other tools;
 - (c) training that will be provided to teachers, personnel, and volunteers who will conduct the program;
 - (d) any special, unique, or innovative services, programs, or educational methods to be utilized;
 - (e) the geographic area in which the proposed program will be offered and a description of the demographics of adolescents included in the program;
 - (f) an estimate of the number of individuals who will participate in the program; and
 - (g) the manner in which parents and other adults may be involved in the program.
- (2) Local health departments may subcontract with partner agencies. Partner agencies include but are not limited to local school districts, boys and girls clubs, nonprofit agencies, and faith-based organizations. Copies of the subcontracts must be submitted to the department by September 1 of each year.

NEW SECTION. Section 5. Acceptance of contracts. (1) The department shall establish a contract procedure through which eligible entities may accept a contract pursuant to [sections 1 through 10] and that is consistent with specified program plan objectives identified in [sections 3 and 4].

(2) Once a program plan is approved, the department may not suspend it unless good cause is shown. A program plan that is rejected or suspended does not prohibit the applicant from resubmitting a new or supplemental application with the department for consideration in future fiscal years.

NEW SECTION. Section 6. Contract awards. (1) The department may award contracts to eligible entities for the support of approved age-appropriate sexuality education contract programs.

(2) Contracts to support an approved age-appropriate sexuality education contract program must be awarded through a population-based allocation formula established by the department.

(3) Funds to eligible entities must be made available in July following [the effective date of this act] and, subject to appropriation, may be awarded in each succeeding year.

(4) The department shall undertake all activities necessary to provide for the timely implementation of the age-appropriate sexuality education contract program authorized by [sections 1 through 10] in the fiscal year commencing immediately following [the effective date of this act].

(5) Not more than 8% of any amount made available by appropriation in any single fiscal year for the age-appropriate sexuality education contract program may be retained by the department for administrative purposes.

(6) If an insufficient number of eligible entities apply for funds through this program or there are an insufficient number of program plans submitted meeting the eligibility criteria established under [section 5], resulting in less than the total allocation of funds provided by the department for this program, the department shall redistribute the unallocated funds to participating eligible entities on the basis of a single fiscal year. The eligible entity requesting funds shall submit supporting documentation explaining how the additional funds would enhance the effectiveness of the age-appropriate sexuality education contract program plan.

NEW SECTION. Section 7. Funding. Subject to legislative appropriation, the department shall administer and fund the age-appropriate sexuality education contract program.

NEW SECTION. Section 8. Funding -- priorities -- exception. (1) Funds made available for the age-appropriate sexuality education contract program must be in addition to and not in lieu of any funds historically appropriated for the same or similar purpose and may not be used to offset or reduce funds previously expended for the programs.

(2) Acceptance of program funds must supplant any funding received from the abstinence education program under 42 U.S.C. 710, also administered by the department. Because the requirements set forth in each program are in direct conflict, an eligible entity may not accept contracts from both programs.

NEW SECTION. Section 9. Annual reports by contract recipients. (1) Local health agencies are required to submit annual program reports by September 1 of each year.

(2) The report must include the number of:

(a) classes or activities;

(b) hours of each class or activity;

- (c) youth attending each class or activity;
 - (d) parents or adults involved in each class or activity;
 - (e) youth engaged in program design or implementation;
 - (f) youth referred to other community resources;
 - (g) local newspaper articles and public service announcements generated by the program; and
 - (h) community-based organizations that publicly supported the program through donations, advertisements, or volunteer support.
- (3) The report must also include copies of any subcontracts.

NEW SECTION. **Section 10. Rulemaking authority.** The department shall adopt rules that are necessary to implement and administer [sections 1 through 10].

NEW SECTION. **Section 11. Codification instruction.** [Sections 1 through 10] are intended to be codified as an integral part of Title 50, chapter 16, and the provisions of Title 50, chapter 16, apply to [sections 1 through 10].

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