

1 HOUSE BILL NO. 566  
2 INTRODUCED BY F. ANDERSON, S. KERNS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR SCHOOLS TO PROVIDE  
5 NOTICE TO PARENTS AND GUARDIANS PRIOR TO THE PROVISION OF HUMAN SEXUALITY  
6 INSTRUCTION; REVISING THE DEFINITION OF "HUMAN SEXUALITY INSTRUCTION"; AMENDING  
7 SECTION 20-7-120, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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11 Section 1. Section 20-7-120, MCA, is amended to read:

12 **"20-7-120. Excused absences from curriculum requirements -- notice -- prohibited activities.**

13 (1) A parent, guardian, or other person who is responsible for the care of a child may refuse to allow the child to  
14 attend or withdraw the child from a course of instruction, a class period, an assembly, an organized school  
15 function, or instruction provided by the district through its staff or guests invited at the request of the district  
16 regarding human sexuality instruction. The withdrawal or refusal to attend is an excused absence pursuant to  
17 20-5-103.

18 ~~(2) Any school implementing or maintaining a curriculum, providing materials, or holding an event or~~  
19 ~~assembly at which the district provides human sexuality instruction, whether introduced by school educators,~~  
20 ~~administrators, or officials or by guests invited at the request of the school, shall adopt a policy ensuring~~  
21 ~~parental or guardian notification no less than 48 hours prior to holding an event or assembly or introducing~~  
22 ~~materials for instructional use.~~

23 (2) Any school district that implements or maintains a curriculum, provides materials, or holds an  
24 event or assembly at which the district provides human sexuality instruction, whether introduced by school  
25 educators, administrators, or officials or by guests invited at the request of the schools, shall adopt and enforce  
26 a policy that:

27 (a) requires lesson plans, other materials for instructional use, and information about events and  
28 assemblies to be available for public review, preferably online, at least 10 days prior to using those plans or

1 materials or holding an event or assembly; or

2 (b) ensures parental or guardian notification no less than 48 hours prior to holding an event or  
3 assembly or introducing materials for instructional use.

4 ~~(3)(2)(3)~~ A school district shall annually notify the parent or guardian of each student scheduled  
5 to be enrolled in human sexuality instruction in the district or school in advance of the instruction of:

6 (a) the basic content of the district's or school's human sexuality instruction intended to be taught  
7 to the student; and

8 (b) the parent's or guardian's right to withdraw the student from the district's or school's human  
9 sexuality instruction.

10 ~~(4)(3)(4)~~ A school district shall make all curriculum materials used in the district's or school's  
11 human sexuality instruction available for public inspection prior to the use of the materials in actual instruction.

12 ~~(5)(4)(5)~~ A school district or its personnel or agents may not permit a person, entity, or any  
13 affiliate or agent of the person or entity to offer, sponsor, or furnish in any manner any course materials or  
14 instruction relating to human sexuality or sexually transmitted diseases to its students or personnel if the  
15 person, entity, or any affiliate or agent of the person or entity is a provider of abortion services.

16 ~~(6)(5)(6)~~ For the purposes of this section, "human sexuality instruction" means teaching or  
17 ~~otherwise providing information about human sexuality, including intimate relationships, human sexual~~  
18 ~~anatomy, sexual reproduction, sexually transmitted infections, sexual acts, sexual orientation, gender identity,~~  
19 ~~abstinence, or contraception, or reproductive rights and responsibilities in a science or health enhancement~~  
20 course in which, pursuant to federal law, students are separated by sex or are allowed to be separated by sex  
21 for the instruction."

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23 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2023.

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