

Fifty-fifth  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2206

Introduced by

Senators Naaden, Kelsh, Mutch

Representatives Boehm, Galvin, S. Kelsh

1 A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota  
2 Century Code, relating to sex education in the public schools.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 15-38 of the North Dakota Century Code is  
5 created and enacted as follows:

6 **Definitions.** As used in this Act, unless the context otherwise requires:

- 7 1. "Curricular material" means written plans on which instruction is based, curriculum  
8 guidelines or supplements, and books or other written or audiovisual material used  
9 for instruction.
- 10 2. "Sex education" means any instruction given as part of a planned course,  
11 curriculum, or other instructional program that is intended to impart information or  
12 promote discussion or understanding regarding human sexual behavior, sexual  
13 feelings and sexual values, human sexuality and reproduction, pregnancy  
14 avoidance or termination, or sexually transmitted diseases. It does not include:
- 15 a. Any discussion or instruction that occurs in a planned course designed for a  
16 purpose unrelated to sex education, provided that the instruction or  
17 discussion is reasonably designed to further the objectives of the course and  
18 is not undertaken for the purpose of circumventing this Act; or
- 19 b. Any instruction in physiology, biology, zoology, or a similar course of scientific  
20 instruction provided any information relating to sex education imparted by the  
21 course is limited to scientific instruction on the functioning of human  
22 reproductive organs.

23 **SECTION 2.** A new section to chapter 15-38 of the North Dakota Century Code is  
24 created and enacted as follows:

1           **Sex education - Public hearing.** If a sex education course or program is to be initiated  
2 in any school in a district, the school board shall first conduct at least one public hearing with  
3 opportunity for public comment.

4           **SECTION 3.** A new section to chapter 15-38 of the North Dakota Century Code is  
5 created and enacted as follows:

6           **Sex education instruction - Contents.** All curricular material used to teach sex  
7 education must be age-appropriate. Any teacher who teaches sex education and all curricular  
8 material used to teach sex education must:

- 9           1. Stress that abstinence is the only contraceptive method that is one hundred  
10           percent effective and that all other methods of contraception carry a risk of failure  
11           in preventing unwanted teenage pregnancy. Statistics that are based on the latest  
12           available medical information and which cite the failure and success rates of  
13           condoms and other contraceptives in preventing pregnancy must be provided to  
14           students.
- 15           2. Stress that sexually transmitted diseases are serious possible consequences of  
16           sexual intercourse. Statistics that are based on the latest available medical  
17           information and which cite the failure and success rates of condoms in preventing  
18           the acquired immune deficiency syndrome and other sexually transmitted diseases  
19           must be provided to students.