

SENATE AMENDMENTS TO SENATE BILL 142

By COMMITTEE ON HEALTH CARE

March 27

- 1 On page 1 of the printed bill, line 15, delete “pathogen” and insert “infection”.
- 2 In lines 20 and 21, restore the bracketed material and delete the boldfaced material.
- 3 On page 2, delete lines 20 through 31 and insert:
- 4 “**SECTION 4.** ORS 192.577 is amended to read:
- 5 “192.577. (1) A health care provider shall disclose protected health information concerning an
- 6 inmate of a Department of Corrections facility to the physician of an employee of the department
- 7 or of Oregon Corrections Enterprises, without an authorization from the inmate or a personal rep-
- 8 resentative of the inmate, if:
- 9 “(a) The employee, in the performance of the employee’s official duties, was directly exposed to
- 10 the bodily fluids of the inmate; and
- 11 “(b) The inmate has tested positive for [*HIV or hepatitis B or C*] **a blood-borne infection** or
- 12 other communicable disease that may be transmitted through an individual’s bodily fluids.
- 13 “(2) A disclosure under subsection (1) of this section must be limited to the minimum necessary
- 14 to inform the physician of possible exposure to [*HIV, hepatitis B or C*] **a blood-borne infection** or
- 15 other communicable disease.”.
- 16 On page 3, delete lines 6 through 45.
- 17 On page 4, delete lines 1 through 30 and insert:
- 18 “**SECTION 6.** ORS 336.455 is amended to read:
- 19 “336.455. (1) Each school district shall provide age-appropriate human sexuality education
- 20 courses in all public elementary and secondary schools as an integral part of the health education
- 21 curriculum.
- 22 “(2) Course material and instruction for all human sexuality education courses shall enhance
- 23 students’ understanding of sexuality as a normal and healthy aspect of human development. Course
- 24 instruction shall:
- 25 “(a) Be medically accurate.
- 26 “(b) Be comprehensive.
- 27 “(c) Include information about responsible sexual behaviors and hygienic practices that elimi-
- 28 nate or reduce the risks of pregnancy and the risks of exposure to human immunodeficiency virus,
- 29 hepatitis B, hepatitis C and other [*infectious or*] sexually transmitted [*diseases*] **infections**. Informa-
- 30 tion about those risks shall be presented in a manner designed to allay fears concerning risks that
- 31 are scientifically groundless.
- 32 “(d) Promote abstinence for school-age youth and mutually monogamous relationships with an
- 33 uninfected partner for adults as the most effective way to prevent pregnancy and the transmission
- 34 of sexually transmitted [*diseases*] **infections**. However, abstinence may not be taught to the exclu-
- 35 sion of other material and instruction on contraceptive and [*disease*] **infection** reduction measures.

1 Human sexuality education courses shall acknowledge the value of abstinence while not devaluing
2 or ignoring those students who have had or are having sexual intercourse.

3 “(e) Include a discussion about the characteristics of the emotional, physical and psychological
4 aspects of a healthy relationship and a discussion about the benefits of delaying pregnancy beyond
5 the adolescent years as a means to better ensure a healthy future for parents and their children.
6 Students shall be provided with statistics based on the latest medical information regarding both the
7 health benefits and the possible side effects of all forms of contraceptives, including the success and
8 failure rates for prevention of pregnancy.

9 “(f) Stress that sexually transmitted [*diseases*] **infections** are serious possible outcomes of sexual
10 contact. Students shall be provided with statistics based on the latest medical information regarding
11 the efficacy of all methods of sexual protection in preventing [*human immunodeficiency virus in-*
12 *fection and other*] sexually transmitted [*diseases*] **infections, including human immunodeficiency**
13 **virus, hepatitis B and hepatitis C.**

14 “(g) Provide students with information about Oregon laws that address young people’s rights and
15 responsibilities related to childbearing and parenting.

16 “(h) Advise students of the circumstances in which it is unlawful under ORS 163.435 and 163.445
17 for persons 18 years of age or older to have sexual relations with persons younger than 18 years
18 of age to whom they are not married.

19 “(i) Teach students that no form of sexual expression is acceptable when the expression phys-
20 ically or emotionally harms oneself or others and teach students not to make unwanted physical and
21 verbal sexual advances, how to decline unwanted sexual advances or accept the refusal of unwanted
22 sexual advances. Students shall be taught that it is wrong to take advantage of or to exploit an-
23 other person. Materials and information shall be presented in a manner sensitive to the fact that
24 there are students who have experienced sexual abuse.

25 “(j) Validate through course material and instruction the importance of honesty with oneself and
26 others, respect for each person’s dignity and well-being, and responsibility for one’s actions.

27 “(k) Assist students in the development and practice of effective communication skills, the de-
28 velopment of self-esteem and the ability to resist peer pressure.

29 “(L) Encourage family communication and involvement to help students learn to make respon-
30 sible decisions.

31 “(3) Any course in any public elementary and secondary school, the main purpose of which is
32 to address human sexuality education or **sexually transmitted infections, including** human
33 immunodeficiency virus [*education*], or both, [*shall*] **must** emphasize that abstinence from sexual
34 contact is the only method that is 100 percent effective against unintended pregnancy, sexually
35 transmitted [*diseases*] **infections** and human immunodeficiency virus when transmitted sexually.
36 Abstinence [*is to*] **must** be stressed, but not to the exclusion of other material and instruction on
37 contraceptive and [*disease*] **infection** reduction measures. [*Such*] Courses [*are to*] **described in this**
38 **subsection must** acknowledge the value of abstinence while not devaluing or ignoring those stu-
39 dents who have had or are having sexual intercourse.

40 “(4) Nothing in this section prohibits instruction in sanitation, hygiene or traditional courses in
41 biology.

42 “**SECTION 7.** ORS 336.465 is amended to read:

43 “336.465. (1) Each school district shall:

44 “(a) Give parents, guardians and district residents an opportunity to examine the instructional
45 materials to be used in any class, course, assembly or school-sponsored activity.

1 “(b) Inform parents or guardians in advance of any instruction on human sexuality or **sexually**
2 **transmitted infections, including** human immunodeficiency virus, and give *[them]* **the parents or**
3 **guardians** an opportunity to review materials. At the same time, parents or guardians shall be in-
4 formed that *[no]* a pupil *[shall]* **may not** be required to take or participate in any instruction on
5 human sexuality or human immunodeficiency virus if the pupil’s parent or guardian, after having
6 reviewed the materials, submits written objection to the school district.

7 “(2) Refusal to take or participate in any class, course, assembly or school-sponsored activity
8 on human sexuality or **sexually transmitted infections, including** human immunodeficiency
9 virus, shall not be reason for harassment, suspension or expulsion of the pupil.”.

10 In lines 43 and 44, restore the bracketed material and delete the boldfaced material.

11 On page 6, line 3, delete “pathogen” and insert “infections”.

12 On page 7, line 21, delete “pathogen” and insert “infection”.

13 On page 8, line 31, delete “pathogen” and insert “infection”.

14 On page 9, line 38, restore the bracketed material and delete the boldfaced material and after
15 “(D)” insert “Human immunodeficiency virus or”.

16 On page 10, line 7, delete “No” and delete “having” and insert “that have”.

17 In line 8, delete “shall” and insert “may not”.

18 In line 10, delete “, which licenses shall be” and insert “. A license described in this subsection
19 must be obtained”.

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