

Requested by SENATE COMMITTEE ON HEALTH CARE

**PROPOSED AMENDMENTS TO
SENATE BILL 142**

1 On page 1 of the printed bill, line 15, delete “pathogen” and insert “in-
2 fection”.

3 In lines 20 and 21, restore the bracketed material and delete the boldfaced
4 material.

5 On page 2, delete lines 20 through 31 and insert:

6 **“SECTION 4.** ORS 192.577 is amended to read:

7 “192.577. (1) A health care provider shall disclose protected health infor-
8 mation concerning an inmate of a Department of Corrections facility to the
9 physician of an employee of the department or of Oregon Corrections En-
10 terprises, without an authorization from the inmate or a personal represen-
11 tative of the inmate, if:

12 “(a) The employee, in the performance of the employee’s official duties,
13 was directly exposed to the bodily fluids of the inmate; and

14 “(b) The inmate has tested positive for [*HIV or hepatitis B or C*] a
15 **blood-borne infection** or other communicable disease that may be trans-
16 mitted through an individual’s bodily fluids.

17 “(2) A disclosure under subsection (1) of this section must be limited to
18 the minimum necessary to inform the physician of possible exposure to [*HIV,*
19 *hepatitis B or C*] a **blood-borne infection** or other communicable disease.”.

20 On page 3, delete lines 6 through 45.

21 On page 4, delete lines 1 through 30 and insert:

1 **“SECTION 6.** ORS 336.455 is amended to read:

2 “336.455. (1) Each school district shall provide age-appropriate human
3 sexuality education courses in all public elementary and secondary schools
4 as an integral part of the health education curriculum.

5 “(2) Course material and instruction for all human sexuality education
6 courses shall enhance students’ understanding of sexuality as a normal and
7 healthy aspect of human development. Course instruction shall:

8 “(a) Be medically accurate.

9 “(b) Be comprehensive.

10 “(c) Include information about responsible sexual behaviors and hygienic
11 practices that eliminate or reduce the risks of pregnancy and the risks of
12 exposure to human immunodeficiency virus, hepatitis B, hepatitis C and
13 other [*infectious or*] sexually transmitted [*diseases*] **infections**. Information
14 about those risks shall be presented in a manner designed to allay fears
15 concerning risks that are scientifically groundless.

16 “(d) Promote abstinence for school-age youth and mutually monogamous
17 relationships with an uninfected partner for adults as the most effective way
18 to prevent pregnancy and the transmission of sexually transmitted
19 [*diseases*] **infections**. However, abstinence may not be taught to the exclu-
20 sion of other material and instruction on contraceptive and [*disease*] **in-**
21 **fection** reduction measures. Human sexuality education courses shall
22 acknowledge the value of abstinence while not devaluing or ignoring those
23 students who have had or are having sexual intercourse.

24 “(e) Include a discussion about the characteristics of the emotional,
25 physical and psychological aspects of a healthy relationship and a discussion
26 about the benefits of delaying pregnancy beyond the adolescent years as a
27 means to better ensure a healthy future for parents and their children. Stu-
28 dents shall be provided with statistics based on the latest medical informa-
29 tion regarding both the health benefits and the possible side effects of all
30 forms of contraceptives, including the success and failure rates for pre-

1 vention of pregnancy.

2 “(f) Stress that sexually transmitted [*diseases*] **infections** are serious
3 possible outcomes of sexual contact. Students shall be provided with statis-
4 tics based on the latest medical information regarding the efficacy of all
5 methods of sexual protection in preventing [*human immunodeficiency virus*
6 *infection and other*] sexually transmitted [*diseases*] **infections, including**
7 **human immunodeficiency virus, hepatitis B and hepatitis C.**

8 “(g) Provide students with information about Oregon laws that address
9 young people’s rights and responsibilities related to childbearing and par-
10 enting.

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

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

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

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

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

1 “(3) Any course in any public elementary and secondary school, the main
2 purpose of which is to address human sexuality education or **sexually**
3 **transmitted infections, including** human immunodeficiency virus [*educa-*
4 *tion*], or both, [*shall*] **must** emphasize that abstinence from sexual contact
5 is the only method that is 100 percent effective against unintended preg-
6 nancy, sexually transmitted [*diseases*] **infections** and human
7 immunodeficiency virus when transmitted sexually. Abstinence [*is to*] **must**
8 be stressed, but not to the exclusion of other material and instruction on
9 contraceptive and [*disease*] **infection** reduction measures. [*Such*] Courses
10 [*are to*] **described in this subsection must** acknowledge the value of
11 abstinence while not devaluing or ignoring those students who have had or
12 are having sexual intercourse.

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

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

16 “336.465. (1) Each school district shall:

17 “(a) Give parents, guardians and district residents an opportunity to ex-
18 amine the instructional materials to be used in any class, course, assembly
19 or school-sponsored activity.

20 “(b) Inform parents or guardians in advance of any instruction on human
21 sexuality or **sexually transmitted infections, including** human
22 immunodeficiency virus, and give [*them*] **the parents or guardians** an op-
23 portunity to review materials. At the same time, parents or guardians shall
24 be informed that [*no*] **a pupil** [*shall*] **may not** be required to take or partic-
25 ipate in any instruction on human sexuality or human immunodeficiency vi-
26 rus if the pupil’s parent or guardian, after having reviewed the materials,
27 submits written objection to the school district.

28 “(2) Refusal to take or participate in any class, course, assembly or
29 school-sponsored activity on human sexuality or **sexually transmitted in-**
30 **fections, including** human immunodeficiency virus, shall not be reason for

1 harassment, suspension or expulsion of the pupil.”.

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

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

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

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

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

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

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

12 In line 10, delete “, which licenses shall be” and insert “. A license de-
13 scribed in this subsection must be obtained”.

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