

BILL ANALYSIS

C.S.H.B. 467
By: Howard
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Department of State Health Services currently serves as a primary resource for educational materials and programs intended to prevent or reduce the risk of AIDS and HIV infection. Interested parties note that, while these materials and programs are required to be scientifically and factually accurate, there is concern that amendments to the code contain medically inaccurate information on the health consequences of sexual activity. C.S.H.B. 467 seeks to ensure that state law reflects medically accurate information regarding premarital sexual activity.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 467 amends the Health and Safety Code to remove the requirement that the materials in the education programs for persons younger than 18 years of age regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection teach that sexual activity before marriage is likely to have harmful psychological and physical consequences. The bill instead requires the materials to emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections, sexually acquired infection with HIV or AIDS, and the emotional distress that may be associated with adolescent sexual activity.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 467 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 85.007(c), Health and

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 85.007(c), Health and

Safety Code, is amended to read as follows:

(c) In addition, the materials in the education program intended for persons younger than 18 years of age must:

- (1) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections, sexually acquired infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional distress that may be associated with adolescent sexual activity that results in a sexually transmitted infection or an unintended pregnancy [~~teach that sexual activity before marriage is likely to have harmful psychological and physical consequences~~];
- (2) teach adolescents ways to recognize and respond to unwanted physical and verbal sexual advances;
- (3) teach that the use of alcohol or drugs increases a person's vulnerability to unwanted sexual advances; and
- (4) emphasize the importance of attaining self-sufficiency before engaging in sexual activity.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Safety Code, is amended to read as follows:

(c) In addition, the materials in the education program intended for persons younger than 18 years of age must:

- (1) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted infections, sexually acquired infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional distress that may be associated with adolescent sexual activity [~~teach that sexual activity before marriage is likely to have harmful psychological and physical consequences~~];
- (2) teach adolescents ways to recognize and respond to unwanted physical and verbal sexual advances;
- (3) teach that the use of alcohol or drugs increases a person's vulnerability to unwanted sexual advances; and
- (4) emphasize the importance of attaining self-sufficiency before engaging in sexual activity.

SECTION 2. Same as introduced version.