

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 194  
Ways and Means

(Delegates Shetty and Atterbeary)

Education, Health, and Environmental Affairs

---

Education - Family Life and Human Sexuality Curriculum - Sexting

---

This bill requires, beginning in the 2022-2023 school year, a local board of education to provide age-appropriate instruction on the risks of sexting as part of the Family Life and Human Sexuality curriculum in every grade in which the curriculum is taught. **The bill takes effect July 1, 2022.**

---

Fiscal Summary

**State Effect:** None. The bill is directed at local boards of education.

**Local Effect:** Local school systems can provide instruction on the risks of sexting in grades prekindergarten through grade 8 and as part of the required high school health courses using existing resources; however, to the extent instruction must diverge from current requirements, resources may be diverted from existing health curriculum requirements.

**Small Business Effect:** None.

---

Analysis

**Current Law:**

*Sexting*

“Sexting” means (1) the sending of a photograph, image, or video that depicts “sexual conduct” or “sexual excitement” of *oneself* to another (or depicts such content of oneself and the recipient) by mobile telephone, computer, or other electronic or digital device or

(2) the receipt and retention of a photograph, image, or video meeting these requirements. The bill incorporates the definitions of “sexual conduct” and “sexual excitement” contained in § 11-101 of the Criminal Law Article.

Sexting does not include such conduct if (1) the sender is more than four years older than the recipient; (2) the recipient is more than four years older than the sender; (3) the child did not consent to committing the conduct constituting the violation; or (4) the child was coerced, threatened, or intimidated into committing the conduct constituting the violation.

### *Comprehensive Health Education*

Each local school system must (1) provide in public schools a comprehensive health education program with sufficient frequency and duration to meet the requirements of the State curriculum for all students in prekindergarten through grade 8 and (2) offer in public schools a comprehensive health education program in grades 9 through 12 that enables students to meet graduation requirements and to select health education electives. Access to the curriculum must be provided for nondiploma-bound students.

In order to graduate from a public high school in Maryland, students must complete a credit of health.

State law requires local school systems to teach a number of specified health topics including drug addiction and prevention education; awareness and prevention of sexual abuse and assault; and cardiopulmonary resuscitation (CPR) that includes hands-only CPR and the use of an automated external defibrillator.

State regulations require health instruction in the following topics: mental and emotional health; alcohol, tobacco, and other drugs; personal and consumer health; family life and human sexuality; safety and injury prevention; nutrition and fitness; and disease prevention and control.

### *New Health Education Standards*

New health education standards were adopted by the State Board of Education in December 2019; the [Maryland Comprehensive Health Education Framework](#) was revised and posted in July 2020. There are Family Life and Human Sexuality standards for prekindergarten through grade 8 and for two semesters of high school. The middle and high school standards address sexually explicit media, including the negative consequences and laws prohibit sending sexually explicit pictures. However, the term “sexting” is not explicitly used in the standards.

## **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - January 26, 2022  
fnu2/mcr Third Reader - March 17, 2022

---

Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510