

**Department of Legislative Services**  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 199 (Senator Lam, *et al.*)  
Education, Energy, and the Environment

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**Primary and Secondary Education - Comprehensive Health Education  
Framework - Established**

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This bill requires the Maryland State Department of Education (MSDE), in consultation with the Maryland Department of Health (MDH), to develop a comprehensive health education framework that includes, at a minimum, specified topics. Each local board of education must create an age-appropriate curriculum that is consistent with the comprehensive health education framework as specified. Each local board of education must establish policies, guidelines, and procedures for a parent or guardian to opt their student out of the family life and human sexuality or the gender identity and sexual orientation topics. However, a local board may not authorize a parent or guardian to opt the student out of education related to HIV and AIDS prevention. By June 15, 2024, and each June 15 thereafter, each local board must submit a report to MSDE on the actions taken to comply with the requirements of the bill. **The bill takes effect July 1, 2023.**

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**Fiscal Summary**

**State Effect:** None. MSDE advises that the comprehensive health education framework completed in 2020 meets the requirements of the bill. However, to the extent that the framework must be revised, general fund expenditures for MSDE and MDH may increase.

**Local Effect:** Local school systems can make any operational changes to the implementation of the comprehensive health education framework to meet the requirements of the bill and produce the required reports using existing resources.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** MSDE must update the comprehensive health education framework in the manner and at the time the State Superintendent of Schools determines is necessary.

In developing the health curriculum, each local board of education must establish a committee composed of educators, health experts, and members of the local community to review and comment on whether curriculum materials are consistent with the comprehensive health education framework.

Each local board of education must identify appropriate alternative learning objectives and measurable goals that meet State and local health education requirements for a student whose parent or guardian has elected to opt the student out of a particular topic.

**Current Law:** With the assistance of the local health department (LHD), each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. MSDE and MDH must jointly develop public standards and guidelines for school health programs and offer assistance to the local boards of education and LHDs in their implementation. Each local school system must designate a school health services program coordinator, but it may authorize the LHD to designate a coordinator.

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 public high school in Maryland, students must complete a credit of health.

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. MSDE advises that the current framework contains all the elements required by the bill.

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; substance abuse prevention; family life and human sexuality; safety and violence prevention; healthy eating; and disease prevention and control.

According to State regulations, Maryland family life and human sexuality instruction must represent all students regardless of ability, sexual orientation, gender identity, and gender expression. Beginning no later than grade 7, teaching must emphasize that refraining from sexual activity is the best method to avoid sexually transmitted infection, including HIV, and unintended pregnancy. It must also include medically accurate information about contraception and condoms. Further, the disease prevention and control instruction must have students demonstrate the ability to apply prevention and treatment knowledge, skills, and strategies to reduce susceptibility and manage diseases, such as infections that are sexually transmitted, including HIV.

State regulations also require a local school system to establish policies, guidelines, and procedures for student opt-out regarding instruction related to family life and human sexuality objectives. For students opting out of family life and human sexuality instruction, each school must establish a procedure for providing a student with appropriate alternative learning activities and/or assessments in health education. Each school must make arrangements to permit students opting out of the objectives related to family life and human sexuality to receive instruction concerning menstruation. The local school system must provide an opportunity for parents and guardians to view instructional materials to be used in the teaching of family life and human sexuality objectives.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 119 (Delegate Atterbeary) - Ways and Means.

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

**Fiscal Note History:** First Reader - January 30, 2023  
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