

1

2

3

## State of Misconsin 2021 - 2022 LEGISLATURE

LRB-4217/1 FFK/KRP/TJD:amn

## 2021 ASSEMBLY BILL 823

January 6, 2022 - Introduced by Representatives Sortwell, Armstrong, Brandtjen, Magnafici, Penterman, Schraa, Wichgers and Murphy, cosponsored by Senator Jacque. Referred to Committee on Health.

AN ACT to create 118.019 (2m) (k) and 253.02 (5) of the statutes; relating to:

human growth and development instruction requirements and granting rule-making authority.

### Analysis by the Legislative Reference Bureau

This bill requires a school board that elects to provide an instructional program in human growth and development to present, when age appropriate, an animated video of part or all of an abortion procedure.

Under current law, a school board may offer a human growth and development instructional program to pupils in kindergarten to grade 12. If a school board elects to offer the instructional program, current law recommends, but does not require, that the school board include certain topics in the instructional program. If the school board presents a recommended topic, current law requires the school board to do certain things during the human growth and development course, when age appropriate, including 1) presenting abstinence from sexual activity as the preferred choice of behavior for unmarried pupils, 2) providing instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children, and 3) explaining pregnancy, prenatal development, and childbirth. The bill adds presenting an animated video of part or all of an abortion procedure to this list of requirements. The bill specifies that the animated video must be approved by the Department of Health Services under rules promulgated by DHS.

Under current law, a school board that elects to provide a human growth and development instructional program must annually provide parents and guardians

#### **ASSEMBLY BILL 823**

1

 $\mathbf{2}$ 

3

4

5

6

7

8

9

10

11

with an outline of the curriculum used in a pupil's grade level, information regarding how parents and guardians may inspect the curriculum and instructional materials, and an explanation of how parents and guardians may exempt a pupil from the instructional program. Current law allows a pupil's parent or guardian to exempt the pupil from all or a part of a human growth and development instructional program by filing a written request with the teacher or school principal.

# The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 118.019 (2m) (k) of the statutes is created to read:

118.019 (2m) (k) Presents an animated video that is approved by the department of health services under s. 253.02 (5) of part or all of an abortion procedure.

**Section 2.** 253.02 (5) of the statutes is created to read:

253.02 **(5)** The department shall approve, by rule, for purposes of school instructional programs in human growth and development at least one animated video of part or all of an abortion procedure. For purposes of this subsection, "abortion" has the meaning given in s. 253.10 (2) (a). Notwithstanding s. 227.24, the department may not promulgate any rule under this subsection as an emergency rule using the procedure under s. 227.24.

12 (END)