



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 773

H.P. 578

House of Representatives, February 12, 2019

An Act Regarding Secondary School Education Concerning Sexual Activity and Sexual Assault

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DAUGHTRY of Brunswick.
Cosponsored by Representative ACKLEY of Monmouth and
Representatives: CROCKETT of Portland, FAY of Raymond, FECTEAU of Biddeford,
GRAMLICH of Old Orchard Beach, HANDY of Lewiston, HUBBELL of Bar Harbor,
McCREIGHT of Harpswell, TALBOT ROSS of Portland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §4723**, as enacted by PL 1983, c. 859, Pt. C. §§5 and 7, is
3 amended to read:

4 **§4723. Health and physical education**

5 The secondary course of study ~~shall~~ must include instruction in health, safety and
6 physical education, as prescribed by the commissioner, and physiology and hygiene, with
7 special reference to the effects of alcoholic drinks, stimulants and narcotics upon the
8 human system. The secondary course of study must also include instruction on
9 affirmative consent, communication and decision making regarding sexual activity and
10 the effects of alcoholic drinks, stimulants and narcotics on the ability to give affirmative
11 consent, communicate and make appropriate decisions. For purposes of this section,
12 "affirmative consent" means consent to sexual activity that can be revoked at any time
13 and does not include silence, lack of resistance or consent given while intoxicated.

14 **Sec. 2. 20-A MRSA §6209, sub-§4**, as amended by PL 2015, c. 489, §6, is
15 further amended to read:

16 **4. Review cycle.** The commissioner shall conduct a review of the content standards
17 and performance indicators by content area on a 5-year cycle beginning in the 2015-2016
18 school year. The review of the content standards and performance indicators for the
19 content area of social studies, including student achievement of proficiency in personal
20 finance, must be included in the commissioner's review during the 2015-2016 school
21 year. Any changes that are recommended must be approved through the same process
22 used for establishment of the system of learning results. Beginning in the 2016-2017
23 school year, the commissioner shall review and make recommendations for objective
24 measures that may be used to substantiate school certifications of postsecondary
25 readiness. The review of the content standards and performance indicators for the content
26 area of health, physical education and wellness, including instruction on affirmative
27 consent, communication and decision making regarding sexual activity and the effects of
28 alcoholic drinks, stimulants and narcotics on the ability to give affirmative consent,
29 communicate and make appropriate decisions, must be included in the commissioner's
30 review beginning in the 2019-2020 school year.

31 **SUMMARY**

32 This bill requires the Commissioner of Education to review the content standards and
33 performance indicators for the content area of health, physical education and wellness,
34 including instruction on affirmative consent, communication and decision making
35 regarding sexual activity and the effects of alcoholic drinks, stimulants and narcotics on
36 the ability to give affirmative consent, communicate and make appropriate decisions,
37 beginning in the 2019-2020 school year as part of the commissioner's 5-year review cycle
38 of the content standards and performance indicators required under the system of learning
39 results.