

1 AN ACT relating to children.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 158.1415 is amended to read as follows:

4 (1) If a school council or, if none exists, the principal adopts a curriculum for human
5 sexuality or sexually transmitted diseases, instruction shall include but not be
6 limited to the following content:

7 (a) Abstinence from sexual activity is the desirable goal for all school-age
8 children;

9 (b) Abstinence from sexual activity is the only certain way to avoid unintended
10 pregnancy, sexually transmitted diseases, and other associated health
11 problems;

12 (c) The best way to avoid sexually transmitted diseases and other associated
13 health problems is to establish a permanent mutually faithful monogamous
14 relationship; ***and***

15 (d) ~~[A policy to respect parental rights by ensuring that:~~

16 ~~1. Children in grade five (5) and below do not receive any instruction~~
17 ~~through curriculum or programs on human sexuality or sexually~~
18 ~~transmitted diseases; or~~

19 ~~2. Any child, regardless of grade level, enrolled in the district does not~~
20 ~~receive any instruction or presentation that has a goal or purpose of~~
21 ~~students studying or exploring gender identity, gender expression, or~~
22 ~~sexual orientation; and~~

23 ~~(e)]A policy to notify a parent [in advance and obtain the parent's written consent~~
24 ~~]before the parent's child in grade six (6) or above receives any instruction~~
25 ~~through curriculum or programs on human sexuality or sexually transmitted~~
26 ~~diseases authorized in this section. ***The notice shall inform the parent of how***~~
27 ~~***to opt their child out of the instruction.***~~

- 1 (2) Any course, curriculum, or program offered by a public school on the subject of
2 human sexuality provided by school personnel or by third parties authorized by the
3 school shall:
- 4 (a) Provide an alternative course, curriculum, or program without any penalty to
5 the student's grade or standing for students whose parents have opted their
6 child out of instruction in accordance with subsection (1)(d) of this
7 section~~[not provided written consent as required in subsection (1)(e) of this~~
8 ~~section]~~;
- 9 (b) Be subject to an inspection by parents of participating students that allows
10 parents to review the following materials:
- 11 1. Curriculum;
- 12 2. Instructional materials;
- 13 3. Lesson plans;
- 14 4. Assessments or tests;
- 15 5. Surveys or questionnaires;
- 16 6. Assignments; and
- 17 7. Instructional activities;
- 18 (c) Be developmentally appropriate; and
- 19 (d) Be limited to a curriculum that has been subject to the reasonable review and
20 response by stakeholders in conformity with this subsection and KRS
21 160.345(2).
- 22 (3) A public school offering any course, curriculum, or program on the subject of
23 human sexuality shall provide written notification to the parents of a student at least
24 two (2) weeks prior to the student's planned participation in the course, curriculum,
25 or program. The written notification shall:
- 26 (a) Inform the parents of the provisions of subsection (2) of this section;
- 27 (b) Provide the date the course, curriculum, or program is scheduled to begin;

- 1 (c) Detail the process for a parent to review the materials outlined in subsection
2 (2) of this section;
- 3 (d) Explain the process for a parent to opt out of~~provide written consent for~~ the
4 student's participation in the course, curriculum, or program; and
- 5 (e) Provide the contact information for the teacher or instructor of the course,
6 curriculum, or program and a school administrator designated with oversight.
- 7 (4) Nothing in this section shall prohibit school personnel from:
- 8 (a) Discussing human sexuality, including the sexuality of any historic person,
9 group, or public figure, where the discussion provides necessary context in
10 relation to a topic of instruction from a curriculum approved pursuant to KRS
11 160.345; or
- 12 (b) Responding to a question from a student during class regarding human
13 sexuality as it relates to a topic of instruction from a curriculum approved
14 pursuant to KRS 160.345.
- 15 ➔Section 2. KRS 158.191 is amended to read as follows:
- 16 (1) As used in this section:
- 17 (a) "External health care provider" means a provider of health or mental health
18 services that is not employed by or contracted with the school district to
19 provide services to the district's students;
- 20 (b) "Health services" has the same meaning as in KRS 156.502;
- 21 (c) "Mental health services" means services provided by a school-based mental
22 health services provider as defined in KRS 158.4416 but shall not include
23 academic or career counseling; and
- 24 (d) "Parent" means a person who has legal custody or control of the student such
25 as a mother, father, or guardian.
- 26 (2) Upon a student's enrollment and at the beginning of each school year, the district
27 shall provide a notification to the student's parents listing each of the health services

1 and mental health services related to human sexuality, contraception, or family
2 planning available at the student's school and of the parents' right to withhold
3 consent or decline any of those specific services. A parent's consent to a health
4 service or mental health service under this subsection shall not waive the parent's
5 right to access the student's educational or health records held by the district or the
6 notifications required under subsection (3) of this section.

7 (3) ~~Except as provided in subsection (5) of this section,~~ As part of a school district's
8 effort to provide a safe and supportive learning environment for students, a school
9 shall notify a student's parents if:

10 (a) The school changes the health services or mental health services related to
11 human sexuality, contraception, or family planning that it provides, and shall
12 obtain parental consent prior to providing health services or mental health
13 services to the student; ~~and~~^{or}

14 (b) School personnel make a referral:

15 1. For the student to receive a school's health services or mental health
16 services; or

17 2. To an external health care provider, for which parental consent shall be
18 obtained prior to the referral being made.

19 (4) School districts and district personnel shall respect the rights of parents to make
20 decisions regarding the upbringing and control of the student through procedures
21 encouraging students to discuss mental or physical health or life issues with their
22 parents or through facilitating the discussion with their parents.

23 (5) (a) The Kentucky Board of Education or the Kentucky Department of Education
24 shall not require or recommend that a local school district keep any student
25 information confidential from a student's parents. A district or school shall not
26 adopt policies or procedures with the intent of keeping any student
27 information confidential from parents.

1 (b) ~~{The Kentucky Board of Education or the Kentucky Department of Education~~
2 ~~shall not require or recommend policies or procedures for the use of pronouns~~
3 ~~that do not conform to a student's biological sex as indicated on the student's~~
4 ~~original, unedited birth certificate issued at the time of birth pursuant to KRS~~
5 ~~156.070(2)(g)2.~~

6 (e) ~~—~~ A local school district shall request~~{not require}~~ school personnel and~~{or}~~
7 students to use gender-appropriate pronouns for a child when a parent has
8 submitted a request to do so to the school principal along with a note from a
9 medical provider diagnosing the child with gender dysphoria~~{for students~~
10 ~~that do not conform to that particular student's biological sex as referenced in~~
11 ~~paragraph (b) of this subsection}~~.

12 (c)~~{(d)}~~ Nothing in this subsection shall prohibit a school district or district
13 personnel from withholding information from a parent if a reasonably prudent
14 person would believe~~{, based on previous conduct and history,}~~ that the
15 disclosure would result in the child becoming a dependent child or an abused
16 or neglected child as defined in KRS 600.020. The fact that district personnel
17 withhold information from a parent under this subsection shall not in itself
18 constitute evidence of failure to report dependency, neglect, or abuse to the
19 Cabinet for Health and Family Services under KRS 620.030.

20 (6) ~~{Prior to a well being questionnaire or assessment, or a health screening form being~~
21 ~~given to a child for research purposes, a school district shall provide the student's~~
22 ~~parent with access to review the material and shall obtain parental consent. Parental~~
23 ~~consent shall not be a general consent to these assessments or forms but shall be~~
24 ~~required for each assessment or form. A parent's refusal to consent shall not be an~~
25 ~~indicator of having a belief regarding the topic of the assessment or form.~~

26 (7) ~~—~~ Nothing in this section shall:

27 (a) Prohibit a school district or the district's personnel from seeking or providing

1 emergency medical or mental health services for a student as outlined in the
2 district's policies; or

3 (b) Remove the duty to report pursuant to KRS 620.030 if district personnel has
4 reasonable cause to believe the child is a dependent child or an abused or
5 neglected child due to the risk of physical or emotional injury identified in
6 KRS 600.020(1)(a)2. or as otherwise provided in that statute.

7 ➔Section 3. KRS 158.189 is amended to read as follows:

8 (1) As used in this section:

9 (a) "Biological sex" means the physical condition of being male or female, which
10 is determined by a person's chromosomes, and is identified at birth by a
11 person's anatomy; and

12 (b) "School" means a school under the control of a local board of education or a
13 charter school board of directors.

14 (2) The General Assembly finds that:

15 (a) School personnel have a duty to protect the dignity, health, welfare, and
16 privacy rights of students in their care;

17 (b) Children and young adults have natural and normal concerns about privacy
18 while in various states of undress, and ~~some~~^{most} wish for **the option of**
19 **individual privacy**~~[members of the opposite biological sex not to be present]~~
20 in those circumstances;

21 (c) Allowing students to use restrooms, locker rooms, or shower rooms **while**
22 **denied individual privacy**~~[that are reserved for students of a different~~
23 ~~biological sex]:~~

24 1. Will create a significant potential for disruption of school activities and
25 unsafe conditions; and

26 2. Will create potential embarrassment, shame, and psychological injury to
27 students;

- 1 (d) Parents have a reasonable expectation that schools will not **require**~~[allow]~~
2 minor children to be viewed in various states of undress~~[by members of the~~
3 ~~opposite biological sex, nor allow minor children to view members of the~~
4 ~~opposite sex in various states of undress]~~; and
- 5 (e) Schools have a duty to respect and protect the privacy rights of students,
6 including the right not to be compelled to undress or be unclothed **without**
7 **having individual privacy**~~[in the presence of members of the opposite~~
8 ~~biological sex]~~.
- 9 (3) Each local board of education or charter school board of directors shall, after
10 allowing public comment on the issue at an open meeting, adopt policies necessary
11 to protect the privacy rights outlined in subsection (2) of this section and enforce
12 this subsection. Those policies shall, at a minimum, ~~[not]~~allow **all** students **the**
13 **right to individual privacy in the**~~[to]~~ use **of** restrooms, locker rooms, or shower
14 rooms **regardless of biological sex or gender identity**~~[that are reserved for students~~
15 ~~of a different biological sex]~~.
- 16 (4) (a) A student **whose parent has submitted a request for accommodation**~~[who~~
17 ~~asserts]~~ to school officials **for**~~[that]~~ his or her **child whose** gender is different
18 from his or her biological sex **along with a note from a medical provider**
19 **diagnosing the child with gender dysphoria**~~[and whose parent or legal~~
20 ~~guardian provides written consent to school officials]~~ shall be provided with
21 the best available accommodation **that ensures individual privacy for the**
22 **child in**~~[, but that accommodation shall not include]~~ the use of school
23 restrooms, locker rooms, or shower rooms~~[designated for use by students of~~
24 ~~the opposite biological sex while students of the opposite biological sex are~~
25 ~~present or could be present]~~.
- 26 (b) Acceptable **alternate** accommodations **implemented by the school upon the**
27 **parent's request** may include but are not limited to access to single-stall

1 restrooms or controlled use of faculty bathrooms, locker rooms, or shower
2 rooms. Each local board of education shall adopt policies and procedures to
3 enforce this section.

4 →Section 4. KRS 311.372 is amended to read as follows:

- 5 (1) Notwithstanding any other provision of law, a person shall not provide any:
6 (a) Surgical medical treatment to a child under the age of eighteen (18) years
7 for gender dysphoria; or
8 (b) Nonsurgical medical treatment to a child under the age of eighteen (18)
9 years for gender dysphoria without the written consent of the child's parent
10 or legal guardian.
- 11 (2) Any nonsurgical medical treatment provided to a child under the age of eighteen
12 (18) years for gender dysphoria shall:
13 (a) Be provided only to a child who has a medical diagnosis of gender
14 dysphoria by a mental health care provider licensed in Kentucky;
15 (b) Be provided by a health care provider who is appropriately trained and
16 experienced in providing nonsurgical medical treatments for children with
17 gender dysphoria in collaboration with a clinical psychologist or
18 psychiatrist;
19 (c) Be limited to appropriate nonsurgical medical treatments for children with
20 gender dysphoria that:
21 1. May include reversible puberty-blocking drugs approved by the United
22 States Food and Drug Administration for adolescents that are used to
23 stop luteinizing hormone and follicle stimulating hormone secretion,
24 synthetic antiandrogen drugs used to block the androgen receptor, or
25 any other drug used to delay or suppress pubertal development; and
26 2. Shall not include cross-sex hormones, including testosterone,
27 estrogen, or other androgens given to a person in amounts that are

1 larger or more potent than would normally occur naturally in a
 2 healthy person of the same age and sex;

3 (d) Meet evidence-based medical standards of care for the treatment of children
 4 with gender dysphoria; and

5 (e) Include mental health services.

6 [As used in this section:

7 (a) "Minor" means any person under the age of eighteen (18) years; and

8 (b) "Sex" means the biological indication of male and female as evidenced by sex
 9 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
 10 internal and external genitalia present at birth.

11 ~~(2) Except as provided in subsection (3) of this section, a health care provider shall not,~~
 12 ~~for the purpose of attempting to alter the appearance of, or to validate a minor's~~
 13 ~~perception of, the minor's sex, if that appearance or perception is inconsistent with~~
 14 ~~the minor's sex, knowingly:~~

15 ~~(a) Prescribe or administer any drug to delay or stop normal puberty;~~

16 ~~(b) Prescribe or administer testosterone, estrogen, or progesterone, in amounts~~
 17 ~~greater than would normally be produced endogenously in a healthy person of~~
 18 ~~the same age and sex;~~

19 ~~(c) Perform any sterilizing surgery, including castration, hysterectomy,~~
 20 ~~oophorectomy, orchiectomy, penectomy, and vasectomy;~~

21 ~~(d) Perform any surgery that artificially constructs tissue having the appearance~~
 22 ~~of genitalia differing from the minor's sex, including metoidioplasty,~~
 23 ~~phalloplasty, and vaginoplasty; or~~

24 ~~(e) Remove any healthy or non-diseased body part or tissue.~~

25 ~~(3) The prohibitions of subsection (2) this section shall not limit or restrict the~~
 26 ~~provision of services to:~~

27 ~~(a) A minor born with a medically verifiable disorder of sex development,~~

1 including external biological sex characteristics that are irresolvably
2 ambiguous;

3 (b) A minor diagnosed with a disorder of sexual development, if a health care
4 provider has determined, through genetic or biochemical testing, that the
5 minor does not have a sex chromosome structure, sex steroid hormone
6 production, or sex steroid hormone action, that is normal for a biological male
7 or biological female; or

8 (c) A minor needing treatment for an infection, injury, disease, or disorder that
9 has been caused or exacerbated by any action or procedure prohibited by
10 subsection (2) of this section.

11 (4) If a licensing or certifying agency for health care providers finds, in accordance
12 with each agency's disciplinary and hearing process, that a health care provider who
13 is licensed or certified by the agency has violated subsection (2) of this section, the
14 agency shall revoke the health care provider's licensure or certification.

15 (5) Any civil action to recover damages for injury suffered as a result of a violation of
16 subsection (2) of this section may be commenced before the later of:

17 (a) The date on which the person reaches the age of thirty (30) years; or

18 (b) Within three (3) years from the time the person discovered or reasonably
19 should have discovered that the injury or damages were caused by the
20 violation.

21 (6) If a health care provider has initiated a course of treatment for a minor that includes
22 the prescription or administration of any drug or hormone prohibited by subsection
23 (2) of this section, and if the health care provider determines and documents in the
24 minor's medical record that immediately terminating the minor's use of the drug or
25 hormone would cause harm to the minor, the health care provider may institute a
26 period during which the minor's use of the drug or hormone is systematically
27 reduced.]