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Title: Teaching Consent in Sex Education Curriculum
Introduced by: Laura Carravallah, MD, for the Genesee County Delegation
Original Authors: Megan Kechner, Danielle Sethi, and Danielle Wilson
Referred to: Reference Committee E
House Action: **APPROVED AS AMENDED**

Whereas, one in five women (25.5 million) experienced completed or attempted rape during her lifetime, 43.6 percent of women have experienced some form of contact sexual violence in their lifetime, 37 percent of women have reported unwanted sexual contact in her lifetime, 43.2 percent of female victims report rape victimization prior to 18 years old, and one in four women who are victims of sexual violence, physical violence, and/or stalking by an intimate partner first experienced violence by that partner prior to 18 years old¹, and

Whereas, 24.8 percent (27.6 million) men have experienced some form of contact sexual violence in their lifetime, one in fourteen men was made to penetrate someone else at a point in their life, with 66.5 percent of these incidences first experienced prior to 25 years old, one out of five men reported unwanted sexual contact in his lifetime, and 51.3 percent of males first experienced completed or attempted rape prior to 18 years old¹, and

Whereas, the Centers for Disease Control and Prevention recommends efforts in education to prevent sexual violence¹, and

Whereas, only eight states in the United States (not including Michigan) require consent to be addressed in school sex education curriculum², and

Whereas, sex education in these eight states emphasize “the characteristics of the emotional, physical and psychological aspects of a healthy relationship” and use language that stresses consent, such as “mutually monogamous relationships”², and

Whereas, Maryland passed a bill ‘Requiring a county board of education to provide age-appropriate instruction on the meaning of "consent" which is defined as the unambiguous and voluntary agreement between all participants in each physical act within the course of interpersonal relationships, including respect for personal boundaries; and requiring the county board to provide age-appropriate instruction on the meaning of "consent" as part of the Family Life and Human Sexuality curriculum³, and

Whereas, the basics of consent include that consent is freely given, reversible, informed, enthusiastic, and specific⁴, and

Whereas, consent is given on the basis of relevant and appropriate information, by someone with mature powers of judgement, and the conditions which are regarded as invalidating an act of consent are coercion and fraud⁵, and

Whereas, comprehensive sexual education must include a focus on the inclusion of consent and the development of positive, healthy relationships, including prevention of and response to sexual violence², and

53 Whereas, Michigan Compiled Law 380.1507b pertaining to sexual education curriculum includes
54 teaching students how to say “no” to unwanted sexual advances, but does not include explicitly teaching
55 students about consent⁶, and
56

57 Whereas, legislation requiring affirmative consent to be included in Michigan school sex education
58 was introduced, but not passed, in both the Michigan House of Representatives and Michigan Senate during
59 the 2015-2016 and 2017-2018 legislative sessions^{7,8,9,10}, and
60

61 Whereas, AMA Policy H-170.968 “supports the development of sexual education curriculum that
62 integrates dating violence prevention through lessons on healthy relationships, sexual health, and
63 conversations about consent”¹¹; however, this policy does not incorporate affirmative consent in it’s
64 requirements; therefore be it
65

66 RESOLVED: That MSMS expand existing MSMS Resolution 11-18 that consent be taught in schools as
67 part of sex and health education in Michigan for all grade levels that receive sex and health education in the
68 curriculum. This should include the definition of consent as the unambiguous and voluntary agreement
69 between all participants in each physical act within the course of interpersonal relationships, including
70 respect for personal boundaries. Age-appropriate training on how to give and withhold consent should also
71 be provided to all children.
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74 WAYS AND MEANS COMMITTEE FISCAL NOTE: \$25,000 or more as this resolution directs MSMS to engage in
75 governmental advocacy.

Relevant MSMS Policy:

Statement on Sex Education

Public schools should be required to teach medically accurate, age appropriate, comprehensive sex education at all school levels with the option for parental opt out. Sex education programs should 1) be part of an overall health education program; 2) be presented in a manner commensurate with the maturation level of the students; 3) have professionally developed curricula; 4) include ample opportunities to involve parents and other concerned members of the community; and 5) utilize classroom teachers and other professionals who have shown an aptitude for working with young people and who have received special training. (Prior to 1990)

Amended 2019 (Res11-18)

Relevant AMA Policy:

Sexuality Education, Sexual Violence Prevention, Abstinence, and Distribution of Condoms in Schools H-170.968

(1) Recognizes that the primary responsibility for family life education is in the home, and additionally supports the concept of a complementary family life and sexuality education program in the schools at all levels, at local option and direction;

(2) Urges schools at all education levels to implement comprehensive, developmentally appropriate sexuality education programs that: (a) are based on rigorous, peer reviewed science; (b) incorporate sexual violence prevention; (c) show promise for delaying the onset of sexual activity and a reduction in sexual behavior that puts adolescents at risk for contracting human immunodeficiency virus (HIV) and other sexually transmitted diseases and for becoming pregnant; (d) include an integrated strategy for making condoms available to students and for providing both factual information and skill-building related to reproductive biology, sexual abstinence, sexual responsibility, contraceptives including condoms, alternatives in birth control, and other issues aimed at prevention of pregnancy and sexual transmission of diseases; (e) utilize classroom teachers and other professionals who have shown an aptitude for working with young people and who have received special training that includes addressing the needs of gay, lesbian, and bisexual youth; (f) appropriately and comprehensively address the sexual behavior of all people, inclusive of sexual and gender minorities; (g) include ample involvement of parents, health professionals, and other concerned members of the community in the development of the program; (h) are part of an overall health education program; and (i) include culturally competent materials that are language-appropriate for Limited English Proficiency (LEP) pupils;

(3) Continues to monitor future research findings related to emerging initiatives that include abstinence-only, school-based sexuality education, and consent communication to prevent dating violence while promoting healthy

- relationships, and school-based condom availability programs that address sexually transmitted diseases and pregnancy prevention for young people and report back to the House of Delegates as appropriate;
- (4) Will work with the United States Surgeon General to design programs that address communities of color and youth in high risk situations within the context of a comprehensive school health education program;
 - (5) Opposes the sole use of abstinence-only education, as defined by the 1996 Temporary Assistance to Needy Families Act (P.L. 104-193), within school systems;
 - (6) Endorses comprehensive family life education in lieu of abstinence-only education, unless research shows abstinence-only education to be superior in preventing negative health outcomes;
 - (7) Supports federal funding of comprehensive sex education programs that stress the importance of abstinence in preventing unwanted teenage pregnancy and sexually transmitted infections, and also teach about contraceptive choices and safer sex, and opposes federal funding of community-based programs that do not show evidence-based benefits; and
 - (8) Extends its support of comprehensive family-life education to community-based programs promoting abstinence as the best method to prevent teenage pregnancy and sexually-transmitted diseases while also discussing the roles of condoms and birth control, as endorsed for school systems in this policy;
 - (9) Supports the development of sexual education curriculum that integrates dating violence prevention through lessons on healthy relationships, sexual health, and conversations about consent; and
 - (10) Encourages physicians and all interested parties to develop best-practice, evidence-based, guidelines for sexual education curricula that are developmentally appropriate as well as medically, factually, and technically accurate.

¹ Smith, S.G., Zhang, X., Basile, K.C., Merrick, M.T., Wang, J., Kresnow, M., Chen, J. (2018). The National Intimate Partner and Sexual Violence Survey (NISVS): 2015 Data Brief "Updated Release. Atlanta, GA: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. <https://www.cdc.gov/violenceprevention/pdf/2015data-brief508.pdf>

² Shapiro, S. and Brown, C. (2018) Sex Education Standards Across the States. Center for American Progress. <https://cdn.americanprogress.org/content/uploads/2018/05/08062819/SexEducation.pdf>

³ Maryland House Bill 251 <https://legiscan.com/MD/text/HB251/id/1798254/Maryland-2018-HB251-Chaptered.pdf>

⁴ Planned Parenthood <https://www.plannedparenthood.org/learn/sex-and-relationships/sexual-consent>

⁵ Steutel, J. & Spiecker, B. (2004) Sex education, state policy and the principle of mutual consent, *Sex Education*, 4:1, 49-62. <https://www.tandfonline.com/doi/abs/10.1080/1468181042000176533>

⁶ Michigan Legislature Sex Ed Curriculum.

[http://www.legislature.mi.gov/\(S\(el1qoz03jhbculma5g5o5vki\)\)/mileg.aspx?page=GetObject&objectname=mcl-380-1507b](http://www.legislature.mi.gov/(S(el1qoz03jhbculma5g5o5vki))/mileg.aspx?page=GetObject&objectname=mcl-380-1507b)

⁷ Michigan House Bill 4903 <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/htm/2015-HIB-4903.htm>

⁸ Michigan Senate Bill 512 <https://www.legislature.mi.gov/documents/2015-2016/billintroduced/Senate/pdf/2015-SIB-0512.pdf>

⁹ Michigan Senate Bill 620. <http://www.legislature.mi.gov/documents/2017-2018/billintroduced/Senate/pdf/2017-SIB-0620.pdf>

¹⁰ Michigan House Bill 5734 <http://www.legislature.mi.gov/documents/2017-2018/billintroduced/House/htm/2018-HIB-5734.htm>

¹¹ AMA Policy H-170.968. <https://policysearch.ama-assn.org/policyfinder/detail/sexual%20education?uri=percent2FAMADocpercent2FHOD.xml-0-993.xml>