

SENATE BILL REPORT

ESB 6305

As Passed Senate, February 18, 2008

Title: An act relating to providing discretion to the department of health with respect to federal funding for the prevention of teen pregnancy under Title V of the federal social security act.

Brief Description: Granting discretion to the department of health with respect to federal funding for the prevention of teen pregnancy.

Sponsors: Senators Kohl-Welles, Keiser, Fairley, Regala, Kline, McDermott, Murray and Tom.

Brief History:

Committee Activity: Health & Long-Term Care:1/28/08, 1/31/08 [DP, DNP].
Passed Senate: 2/18/08, 37-11.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Fairley, Kohl-Welles, Marr and Parlette.

Minority Report: Do not pass.

Signed by Senator Carrell.

Staff: Rhoda Donkin (786-7465)

Background: In 1996 Congress authorized \$50 million to support state programs that taught abstinence education for adolescents. Around that time, Washington passed legislation directing the Department of Health (DOH) to seek these funds. The grant was reauthorized and in succeeding years the state was awarded approximately \$800,000 a year and was allowed two years to spend it.

Federal guidance for how to spend the money was provided in an eight-part definition for abstinence education:

- 1) has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;
- 2) teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;
- 3) teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted disease, and other associated health problems;
- 4) teaches that a mutually faithful monogamous relationship in the context of marriage is the expected stand of human sexual activity;

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- 5) teaches that sexual activity outside the context of marriage is likely to have harmful psychological and physical effects;
- 6) teaches that bearing children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;
- 7) teaches young children how to reject sexual advances; and
- 8) teaches the importance of attaining self-sufficiency before engaging in sexual activity.

Until 2006 states had flexibility on which parts of the definition to incorporate into their programs. In 2007 the federal government released a new policy stating that applicants for the money should meaningfully represent all eight parts of the federal definition of abstinence education.

Also in 2007 Washington State passed legislation requiring every public school that offers sexual health education must assure that it is medically and scientifically accurate and that abstinence may not be taught to the exclusion of instruction of other methods of preventing unintended pregnancy and sexually transmitted diseases.

DOH has taken the position that meeting the federal standards for abstinence education funding is in conflict with state law and policy that requires that all sexual health education be medically accurate.

Summary of Engrossed Bill: The requirement related to maximizing federal funding for abstinence education programs is modified. DOH may, but is not required, to apply for abstinence education funds through Title V Maternal and Child Health block grants made available under the federal Personal Responsibility of Work Opportunity Reconciliation Act of 1996.

The department is directed to identify community-based programs that are qualified to provide abstinence education that meet all the requirements for federal funding.

The requirement for DOH to seek and accept local matching funds and to contract with entities qualified to provide abstinence education programs is conditioned on receipt of federal funding.

The statute's goal is to reduce teen pregnancy and abortions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: There should be flexibility for deciding if applying for these funds makes sense, given the federal guidelines on what constitutes abstinence education. Money spent on sexual health and pregnancy prevention should include comprehensive education, including abstinence. The current state law requires medically accurate information, and this can be in conflict with value-based sexual health education.

CON: Sex is for procreation and money should not be spent on teaching how to have sex. Comprehensive sexual education is nothing more than information about condoms and sexual orientation and is not balanced. Real abstinence education teaches about building healthy relationships, about avoiding drugs and alcohol, and if we don't get this funding these kinds of programs will go away.

Persons Testifying: PRO: Chrystal Steinmueller; Art Wang, Planned Parenthood; Jenn Evans, Ania Beszterda, Lifelong AIDS Alliance; Sophia Aragon, Department of Health.

CON: D. Yoshe Revelle; Arne Walker, Family Policy Institute of Washington.