



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3299

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

405 ILCS 5/4-211 new

Amends the Mental Health and Developmental Disabilities Code. Provides that a person admitted to a developmental disability facility and receiving habilitation shall have access to sex education, related resources, and treatment planning that supports his or her right to sexual health and healthy sexual practices and to be free from sexual exploitation and abuse. Provides that the person receiving habilitation shall be assessed: (1) on whether he or she has decision making capacity to give consent to sexual activity and (2) for developmentally appropriate sex education materials and resources. Provides that as part of the assessments, consideration shall be given to medical, psychological, and psycho-social evaluations. Provides that the person's decision making capacity to consent to sexual activity and the developmentally appropriate sex education materials and resources shall be determined by the treatment team that includes the individual, professionals who have knowledge of the individual, and the individual's guardian, if appointed. Guardian decision making shall be made in accordance with the court order of appointment and the standards of decision making established by the Probate Act of 1975. Provides that the Department of Human Services shall approve course material in sex education. Establishes standards for the course materials and instruction. Defines "healthy sexual practices".

LRB101 08670 RLC 53754 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 4-211 as
6 follows:

7 (405 ILCS 5/4-211 new)

8 Sec. 4-211. Sex education for persons admitted to a
9 developmental disability facility and receiving habilitation.
10 In this Section, "healthy sexual practices" means a state of
11 physical, emotional, mental, and social well-being in relation
12 to sexuality. A person admitted to a developmental disability
13 facility and receiving habilitation shall have access to sex
14 education, related resources, and treatment planning that
15 supports his or her right to sexual health and healthy sexual
16 practices and to be free from sexual exploitation and abuse.
17 The person receiving habilitation shall be assessed:

18 (1) on whether he or she has decision making capacity
19 to give consent to sexual activity; and

20 (2) for developmentally appropriate sex education
21 materials and resources.

22 As part of the assessments, consideration shall be given to
23 medical, psychological, and psycho-social evaluations. The

1 person's decision making capacity to consent to sexual activity
2 and the developmentally appropriate sex education materials
3 and resources shall be determined by the treatment team that
4 includes the individual, professionals who have knowledge of
5 the individual, and the individual's guardian, if appointed.
6 Guardian decision making shall be made in accordance with the
7 court order of appointment and the standards of decision making
8 established by Section 11a-17 of the Probate Act of 1975. The
9 Department shall approve course material in sex education.
10 Course material and instruction in sex education shall:

11 (A) be appropriate to the developmental disability of
12 the recipient;

13 (B) present identity as a part of mature adulthood;

14 (C) replicate evidence-based programs or substantially
15 incorporate elements of evidence-based programs;

16 (D) place substantial emphasis on the prevention of
17 pregnancy and sexually transmitted infections and diseases
18 and shall stress that abstinence is the ensured method of
19 avoiding unintended pregnancy and sexually transmitted
20 infections and diseases, including HIV/AIDS;

21 (E) include a discussion of the possible emotional and
22 psychological consequences of sexual intercourse and the
23 consequences of unwanted pregnancy;

24 (F) stress that sexually transmitted infections and
25 diseases are serious possible health hazards of unwanted
26 pregnancy;

1 (G) provide information on the use or effectiveness of
2 condoms in preventing pregnancy, HIV/AIDS, and other
3 sexually transmitted infections and diseases;

4 (H) teach recipients to avoid behavior that could be
5 interpreted as unwanted sexual advances, and how to reject
6 unwanted sexual advances; and

7 (I) explain signs of possible dangers from potential
8 predators.

9 The Department may not withhold approval of materials that
10 otherwise meet the criteria specified in this Section on the
11 basis that they include or refer to a religious or faith based
12 perspective.