

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.