STATE OF NEW YORK

6412

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to mandating education in consent in schools with a sex education curriculum

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 817 to read as follows:

§ 817. Consent education. 1. The commissioner shall create and establish a comprehensive, age-appropriate sexual consent education curriculum which shall be taught in grades six through twelve in all public and charter schools that currently teach a sex education curriculum. Such consent education curriculum shall include that a person:

(a) consents to sexual activity by providing a freely given agreement to such activity;

(b) who consents to one particular sexual activity does not provide consent to other types of sexual activities;

(c) does not provide consent by failing to express verbal or physical resistance to sexual advances;

(d) does not consent to sexual activity by dressing in any manner;

(e) who has consented to past sexual activity has not provided consent to future sexual activity;

(f) can withdraw consent at any time; and

(g) cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to certain circumstances that include, but are not limited to: (i) the person is incapacitated due to the use or influence of alcohol or drugs, (ii) the person is asleep or unconscious, (iii) the person is a minor, or (iv) the person is incapacitated due to a mental disability.

2. The education curriculum established pursuant to subdivision one of this section shall be made available to all public and charter schools

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10257-01-1

that currently teach a sex education curriculum within six months of the effective date of this section, and each school shall develop a plan to incorporate such curriculum within one year of the effective date of this section.

§ 2. This act shall take effect immediately.