

AN ACT concerning health.

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

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

(405 ILCS 5/4-211 new)

Sec. 4-211. Sex education for persons admitted to a developmental disability facility and receiving habilitation. In this Section, "healthy sexual practices" means a state of physical, emotional, mental, and social well-being in relation to sexuality. 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. 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.

As part of the assessments, consideration shall be given to medical, psychological, and psycho-social evaluations. 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 Section 11a-17 of the Probate Act of 1975. The Department shall approve course material in sex education. Course material and instruction in sex education shall:

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

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

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

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

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

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

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

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

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

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