

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1659 Session of  
2023

INTRODUCED BY DIAMOND, STAATS, HAMM, GREINER, M. JONES, TOPPER,  
KAUFFMAN, FINK, ROWE, BERNSTINE, LEADBETER, GILLEN, KEEFER  
AND ZIMMERMAN, SEPTEMBER 5, 2023

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 5, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," in terms and courses of study,  
6 providing for parental control relating to instructional  
7 materials and books containing sexually explicit content.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The act of March 10, 1949 (P.L.30, No.14), known  
11 as the Public School Code of 1949, is amended by adding a  
12 section to read:

13 Section 1529. Parental Control Relating to Instructional  
14 Materials and Books Containing Sexually Explicit Content.--(a)  
15 The governing body of a school entity shall develop a public  
16 policy that provides parental control of instructional materials  
17 and books containing sexually explicit content and includes  
18 information, guidance, procedures and standards relating to:

19 (1) Directly identifying specific instructional materials  
20 containing sexually explicit subjects that are used by or made

1 available to students at schools in the school entity.

2 (2) Directly identifying books within libraries of the  
3 schools containing sexually explicit content that are used by or  
4 made available to students at schools in the school entity.

5 (3) Implementing the use of an opt-in form to ensure  
6 parental control of sexually explicit content. The following  
7 shall apply:

8 (i) A student shall be prohibited from being provided or  
9 having access to sexually explicit content in the classroom or  
10 library unless a parent or legal guardian has signed and  
11 returned an opt-in form providing their permission.

12 (ii) If the student's parent or legal guardian does not give  
13 permission for the student to be provided or have access to  
14 sexually explicit content or the parent or legal guardian has  
15 not submitted a completed opt-in form, the student shall be  
16 provided with alternative nonexplicit instructional materials  
17 and related activities.

18 (iii) The opt-in form must include the following language:  
19 By signing this document I am giving permission for my child  
20 to be provided books, handouts and instructional material  
21 that may include written or visual depictions of sexual  
22 conduct. Sexual conduct is defined in law as "Acts of  
23 masturbation, sexual intercourse, sexual bestiality or  
24 physical contact with a person's clothed or unclothed  
25 genitals, pubic area, buttocks, or, if the person is a  
26 female, breast."

27 (iv) The opt-in form must include a list of book titles and  
28 materials scheduled to be used as part of curriculum and class  
29 discussion or available within the school that meet the  
30 definition of sexually explicit content.

1 (4) Permitting the parent or legal guardian of a student to  
2 review instructional materials and library books that contain  
3 sexually explicit content upon request.

4 (b) Prior to adopting the policies required under this  
5 section, the governing body of a school entity shall seek input  
6 at a public forum to ensure that the policies are consistent  
7 with this section and adopted no later than August 30, 2023.

8 (c) Nothing in this section shall be construed to:

9 (1) Prohibit a school entity from implementing additional  
10 transparency measures for sexually explicit content.

11 (2) Prohibit a school entity from determining that sexually  
12 explicit content is not appropriate for minors or students of  
13 certain ages within the school entity, notwithstanding if the  
14 content would not violate other laws.

15 (3) Permit the distribution of sexually explicit materials  
16 to minors that are prohibited by other law.

17 (d) As used in this section, the following words and phrases  
18 shall have the meanings given to them in this subsection unless  
19 the context clearly indicates otherwise:

20 "School entity." A school district, intermediate unit, joint  
21 school, area career and technical school, charter school,  
22 regional charter school or cyber charter school.

23 "Sexual conduct." Acts of masturbation, sexual intercourse,  
24 sexual bestiality or physical contact with a person's clothed or  
25 unclothed genitals, pubic area, buttocks or, if the person is a  
26 female, breast.

27 "Sexually explicit content." The term shall include the  
28 following:

29 (1) Materials that contain visual or visually implied  
30 depictions of sexual conduct or simulations of sexual conduct.

1       (2) Materials that contain explicit written descriptions of  
2 sexual conduct.

3       (3) Materials that contain visual depictions of nudity  
4 accessible to minors in kindergarten through grade eight.

5       Section 2. This act shall take effect in 60 days.