



February 20, 2023

HOUSE BILL No. 1608

DIGEST OF HB 1608 (Updated February 20, 2023 2:49 pm - DI 143)

Citations Affected: IC 20-30; IC 20-33.

Synopsis: Human sexuality instruction. Provides that a school, an employee or staff member of a school, or a third party vendor used by a school to provide instruction may not provide any instruction to a student in kindergarten through grade 3 on human sexuality. Provides that a school employee or a school staff member is not prohibited from responding to a question from a student regarding certain topics. Provides that an employee or staff member of a school may only use a name, pronoun, title, or other word to identify a student that is inconsistent with the student's sex if the student, who is an adult or an emancipated minor, or the parent of an unemancipated minor requests in writing the use of a specific name, pronoun, title, or other word to identify the student. Provides that a request must be submitted at the beginning of a school year. Requires a school to notify the parent of a certain student of a request made by the student to change the student's name, pronoun, title, or other word to identify the student that is inconsistent with the student's sex. Provides that a school may not discipline an employee or staff member of the school for using a name, pronoun, title, or other word to identify a student that is consistent with the student's legal name.

Effective: July 1, 2023.

Davis, Teshka, Jeter, Heaton

January 19, 2023, read first time and referred to Committee on Education.
February 20, 2023, amended, reported — Do Pass.

HB 1608—LS 7479/DI 92



February 20, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1608

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-30-17 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:

4 **Chapter 17. Prohibited Instruction**

5 **Sec. 1. As used in this chapter, "school" means any of the**
6 **following:**

7 **(1) A public school, including a charter school.**

8 **(2) A laboratory school established under IC 20-24.5-2.**

9 **(3) The Indiana School for the Blind and Visually Impaired**
10 **established by IC 20-21-2-1.**

11 **(4) The Indiana School for the Deaf established by**
12 **IC 20-22-2-1.**

13 **Sec. 2. A school, an employee or staff member of a school, or a**
14 **third party vendor used by a school to provide instruction may not**
15 **provide any instruction to a student in kindergarten through grade**
16 **3 on human sexuality.**

17 **Sec. 3. Nothing in this chapter may be construed to prohibit a**

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teacher from providing instruction on academic standards developed by the department under IC 20-31-3-2.

Sec. 4. Nothing in this chapter may be construed to prevent a school employee or a school staff member from responding to a question from a student regarding the topic described in section 2 of this chapter.

SECTION 2. IC 20-33-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 14. Gender Identification

Sec. 1. As used in this chapter, "school" means any of the following:

- (1) A public school, including a charter school.
- (2) A state accredited school.
- (3) A nonaccredited nonpublic school that has at least one (1) employee.
- (4) A laboratory school established under IC 20-24.5-2.
- (5) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.
- (6) The Indiana School for the Deaf established by IC 20-22-2-1.

Sec. 2. As used in this chapter, "sex" means an individual's biological sex as either male or female based on the individual's genetics and reproductive biology at birth, including sex organs, chromosomes, and hormones, without regard to the gender that the individual experiences, identifies with, or expresses.

Sec. 3. (a) An employee or a staff member of a school may only use a name, pronoun, title, or other word to identify a student that is inconsistent with the student's sex if:

- (1) the student, who is an adult or an emancipated minor; or
- (2) a parent of the student, who is an unemancipated minor; requests in writing the use of a specific name, pronoun, title, or other word to identify the student.

(b) A request described in subsection (a) must be submitted to the school at the beginning of a school year.

Sec. 4. A school shall notify the parent of a student, if the student is an unemancipated minor, of a request made by the student to change the student's name, pronoun, title, or other word to identify the student that is inconsistent with the student's sex.

Sec. 5. A school may not discipline an employee or staff member of the school for using a name, pronoun, title, or other word to identify a student that is consistent with the student's legal name.



- 1 **Sec. 6. This chapter does not:**
2 **(1) change an individual's duty to report child abuse or**
3 **neglect, as required under IC 31-33-5; or**
4 **(2) permit a school to establish a policy described in**
5 **IC 20-26-5-35.5.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1608, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 7 through 15, begin a new line block indented and insert:

- "(1) A public school, including a charter school.**
- (2) A laboratory school established under IC 20-24.5-2.**
- (3) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.**
- (4) The Indiana School for the Deaf established by IC 20-22-2-1."**

Page 2, line 2, delete ", including a presentation, in which the goal or purpose of the" and insert **"on human sexuality."**

Page 2, delete lines 3 through 9, begin a new paragraph and insert:

"Sec. 3. Nothing in this chapter may be construed to prohibit a teacher from providing instruction on academic standards developed by the department under IC 20-31-3-2.

Sec. 4. Nothing in this chapter may be construed to prevent a school employee or a school staff member from responding to a question from a student regarding the topic described in section 2 of this chapter.

SECTION 2. IC 20-33-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 14. Gender Identification

Sec. 1. As used in this chapter, "school" means any of the following:

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- (4) A laboratory school established under IC 20-24.5-2.**
- (5) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.**
- (6) The Indiana School for the Deaf established by IC 20-22-2-1.**

Sec. 2. As used in this chapter, "sex" means an individual's biological sex as either male or female based on the individual's genetics and reproductive biology at birth, including sex organs, chromosomes, and hormones, without regard to the gender that the



individual experiences, identifies with, or expresses.

Sec. 3. (a) An employee or a staff member of a school may only use a name, pronoun, title, or other word to identify a student that is inconsistent with the student's sex if:

- (1) the student, who is an adult or an emancipated minor; or
- (2) a parent of the student, who is an unemancipated minor; requests in writing the use of a specific name, pronoun, title, or other word to identify the student.

(b) A request described in subsection (a) must be submitted to the school at the beginning of a school year.

Sec. 4. A school shall notify the parent of a student, if the student is an unemancipated minor, of a request made by the student to change the student's name, pronoun, title, or other word to identify the student that is inconsistent with the student's sex.

Sec. 5. A school may not discipline an employee or staff member of the school for using a name, pronoun, title, or other word to identify a student that is consistent with the student's legal name.

Sec. 6. This chapter does not:

- (1) change an individual's duty to report child abuse or neglect, as required under IC 31-33-5; or
- (2) permit a school to establish a policy described in IC 20-26-5-35.5."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1608 as introduced.)

BEHNING

Committee Vote: yeas 9, nays 4.

