
Disclaimer: This state profile has been prepared by Family Watch International and the Protect Child Health Coalition. While the information provided is as accurate as possible and is updated annually, *laws can change with each legislative session and laws are subject to interpretation. Therefore, it is advised that you verify and confirm all information posted on this website.*



MARYLAND STATUTES AND LAWS

This profile provides an overview of sex education laws in Maryland including:

- I. [Sex-Ed Requirements Quick Chart](#)
- II. [Parental Rights Laws](#)
- III. [Sex Education Laws](#)
- IV. [Consent Laws](#)
- V. [Obscenity Laws](#)
- VI. [State Department of Education Policies](#)

Maryland legislative session convened on 1/9/19 and adjourned on 4/8/19. The [Maryland statutes](#) have been updated on the [Maryland Legislative website](#) for 2019.

[Back to top](#)

What should I know about [navigating sex ed terms](#)?

I. SEX-ED REQUIREMENTS QUICK CHART				
LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required		X		§7-112(1)
Sex education optional			X	
If/When Provided, Sexual Education Must/May:				
Be medically accurate			X	
Be evidence based			X	
Be age appropriate	X			§7-445(B)
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*			X	
Include HIV/AIDS education			X	
Be LGBTQ inclusive			X	
Include safety against sexual abuse			X	
Parental Role in Sexual Education:				
Parental notification			X	
Parental involvement			X	
Opt-in			X	
Opt-out/withdraw	X			§7-112(1)
Access to/review curriculum			X	
*Warning: While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, many CSE programs only mention abstinence in passing; they do not establish abstinence as the expected standard and fail to emphasize abstinence as the only sure way to protect against pregnancy and sexually transmitted diseases, including AIDS. See harmful elements of CSE here .				

[Back to top](#)

II. PARENTAL RIGHTS LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Maryland Title 7](#).

- No specific legislation or guidelines for parental rights in sex education are available for this state.

III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Maryland Title 7](#).

[§7-112](#)

When a county board publishes a listing or a description of a course or courses for an individual school or for the county school system, the county board shall include as a part of the listing or description specific information concerning:

- (1) The content of any course or any section of a course for which there are **alternative** activities available for a student who does not wish to participate in the course or section of the course;
- (2) The content of the **alternative** activities that are available; and
- (3) The methods by which a student can gain access to the **alternative** activities for a course or a section of a course.

[§7-445](#)

(A) In this section, “Consent” means the unambiguous and voluntary agreement between all participants to engage in each physical act within the course of sexual activity interpersonal Relationships, including respect for personal boundaries

(B) Beginning in the 2018-2019 school year, a county board shall provide **age-appropriate** instruction on the meaning of “consent” and respect for personal boundaries as part of the t family life and human sexuality curriculum in every grade in which the curriculum is taught in public schools in the county.

effective July 1, 2018

[Back to top](#)

IV. CONSENT LAWS

[Age of Majority](#) - Based on Maryland Code [§1-401](#), anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.

[Age of Consent](#) - Based on Maryland [Criminal Procedure](#) Code, the age when children can legally consent or agree to sex is 16.

Warning! Most CSE programs put parental rights at risk by either encouraging or requiring that parents not be notified and/or by instructing children how to access such things as abortion, contraception and other so-called health services **without parental notification or consent**. It is particularly dangerous to encourage students in this way, particularly considering the fact the laws often support what is being taught in CSE programs. For example:

- **Without notifying or receiving consent from their parents**, minor children in Maryland may consent to:
 - [§20-102](#). All STI services, HIV treatment, pregnancy services, and medical, dental, health or mental health services.
 - [§18-336](#). HIV testing.
- **Parental consent** is required for Abortion services (with stipulations)
 - [§20-103](#).

See “State Laws that address High-Impact HIV Prevention Efforts” at [cdc.gov](https://www.cdc.gov)

[Back to top](#)

V. OBSCENITY LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Maryland Criminal Laws](#).

MD Code, Criminal Law, § 11-203: Sale or display of obscene item to minor

(a)(1) In this section the following words have the meanings indicated.

(2) “Distribute” includes to rent.

(3) “Illicit sex” means:

- (i) human genitals in a state of sexual stimulation or arousal;
- (ii) acts of human masturbation, sexual intercourse, or sodomy; or
- (iii) fondling or other erotic touching of human genitals.

(4) “Item” means a:

- (i) still picture or photograph;
- (ii) book, pocket book, pamphlet, or magazine;
- (iii) videodisc, videotape, video game, film, or computer disc; or
- (iv) recorded telephone message.

(5) “Obscene” means:

- (i) that the average adult applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
- (ii) that the work depicts sexual conduct specified in subsection (b) of this section in a way that is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material; and
- (iii) that the work, taken as a whole, lacks serious artistic, educational, literary, political, or scientific value.

(6) “Partially nude figure” means a figure with:

- (i) less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or
- (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Prohibited

(b)(1) A person may not willfully or knowingly display or exhibit to a minor an item:

- (i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or
- (ii) that consists of an obscene picture of a nude or partially nude figure.

[Back to top](#)

(2) A person may not willfully or knowingly engage in the business of displaying, exhibiting, selling, showing, advertising for sale, or distributing to a minor an item:

(i) the cover or content of which is principally made up of an obscene description or depiction of illicit sex; or

(ii) that consists of an obscene picture of a nude or partially nude figure.

(3) If a newsstand or other place of business is frequented by minors, the owner, operator, franchisee, manager, or an employee with managerial responsibility may not openly and knowingly display at the place of business an item whose sale, display, exhibition, showing, or advertising is prohibited by paragraph (2) of this subsection.

Exception

(c) The provision of services or facilities by a telephone company under a tariff approved by the Public Service Commission is not a violation of subsection (b) of this section relating to recorded telephone messages.

Penalty

(d) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a first violation, imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both; and

(2) for each subsequent violation, imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both.

Credits

Added by Acts 2002, c. 26, § 2, eff. Oct. 1, 2002. Amended by Acts 2006, c. 346, § 1, eff. Oct. 1, 2006.

MD Code Criminal Law [§ 11-210](#). Exemption from subtitle

Bona fide justification

(a)(1) A person having a bona fide scientific, educational, governmental, artistic, news, or other similar justification for possessing or distributing prohibited matter is not subject to the prohibitions and penalties imposed by this subtitle.

(2) A distribution made in accordance with a bona fide scientific, educational, governmental, artistic, news, or other similar justification is not subject to the prohibitions and penalties imposed by this subtitle.

Exception to justification

(b) A justification is not bona fide under this section if a reasonable person would find that a dominant purpose of the depiction of an individual under the age of 16 years engaging in sexual conduct is to arouse or gratify sexual desire in either the violator, the individual under the age of 16 years, or the viewer.

Credits

[Back to top](#)

Added by Acts 2002, c. 26, § 2, eff. Oct. 1, 2002.

Formerly Art. 27, § 423 (1957).

Case law (old statute): *400 E. Baltimore St., Inc. v. State*, 431 A.2d 682, 49 Md.App. 147 (1981): Mere posting around a store located in an “adult entertainment” area, catering to such of the general public as visit such area, and loaded primarily with pornographic material, of signs indicating that everything in the store is sold only for scientific, educational, or governmental purposes does not suffice to make statutory exemption for persons having bona fide scientific, educational, governmental, or other similar justification for possessing obscene material applicable as a matter of law. Code 1957, Art. 27, §§ 418, 423.

[Back to top](#)

VI. STATE DEPARTMENT OF EDUCATION POLICIES

The following guidelines apply to sex education and how it is taught according to the [Maryland Department of Education](#).

*Nebraska utilizes the National Sexuality Education Standards

[Maryland Health Education](#)

Family Life and Human Sexuality (High school)

- Investigate factors that influence an individual's decision concerning sexual behavior.
- Validate the reasons why abstinence from sexual activity is a healthy, safe, and responsible decision for adolescents.
- Develop ways to maintain abstinence in a relationship.
- Model skills to resist peer pressure to have sexual intercourse
- Examine reasons why people have sexual intercourse , such as desire to have someone to love, alcohol/drug influence, partner pressure, media influence, curiosity, and to gain social status.
- Determine the impact of teen pregnancy .
- List reasons why people get pregnant such as by accident, not using contraception , to keep a partner, to have a child to love, not being abstinent.
- Describe methods of contraception .
- Explain how each method of contraception works to prevent pregnancy , including effectiveness.
- Explain how each method of contraception is used.
- List the advantages and disadvantages of each method of contraception .
- Identify where each method of contraception can be obtained.

Definitions

Abstinence - choosing not to participate in a specific activity; e.g. sexual activity, alcohol, tobacco, other drug use.

Sexual Intercourse - the joining of the sexual organs of a male and female human.

*What should I know about the [harmful elements of the National Sexuality Education Standards](#)

Compare [state laws](#) with [state department of education](#) policies for alignment.

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[Back to top](#)