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## MINNESOTA STATUTES AND LAWS

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

- I. [Sex-Ed Requirements Quick Chart](#)
- II. [Parental Rights Laws](#)
- III. [Sex Education Laws](#)
- IV. [Consent Laws](#)
- V. [Obscenity Laws](#)
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Minnesota legislative session convened on 1/8/19 and adjourned on 4/7/19. [Minnesota Statutes](#) were revised in 2019.

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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		<a href="#">§120B.021</a>
Sex education optional	X			<a href="#">§121A.23</a>
<b>If/When Provided, Sexual Education Must/May:</b>				
Be medically accurate	X			<a href="#">§121A.23(1,2)</a>
Be evidence based			X	
Be age appropriate			X	
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*	X			<a href="#">§121A.23(2)</a>
Include HIV/AIDS education	X			<a href="#">§121A.23</a>
Be LGBTQ inclusive			X	
Include safety against sexual abuse			X	
<b>Parental Role in Sexual Education:</b>				
Parents must have advanced notification			X	
Parental involvement	X			<a href="#">§121A.23(5)</a>
Opt-in			X	
Opt-out/withdraw	X			<a href="#">§120B.20</a>
Access to/review curriculum	X			<a href="#">§120B.20</a>
Collaboration with outside sources	X			<a href="#">§121A.23(7,8)</a>
<p><b>*Warning:</b> While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, <a href="#">many CSE programs</a> 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 <a href="#">here</a>.</p>				

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## II. PARENTAL RIGHTS LAWS

The following laws and guidelines apply to sex education and how it is taught, according to [Minnesota's Education Code](#).

### [§120B.20](#) PARENTAL CURRICULUM REVIEW.

Each school district shall have a procedure for a parent, guardian, or an adult student, 18 years of age or older, to **review** the content of the instructional materials to be provided to a minor child or to an adult student and, if the parent, guardian, or adult student objects to the content, to make reasonable arrangements with school personnel for **alternative instruction**. Alternative instruction may be provided by the parent, guardian, or adult student if the alternative instruction, if any, offered by the school board does not meet the concerns of the parent, guardian, or adult student. The school board is not required to pay for the costs of alternative instruction provided by a parent, guardian, or adult student. School personnel may **not impose an academic or other penalty** upon a student merely for arranging alternative instruction under this section. School personnel may evaluate and assess the quality of the student's work.

History: 1993 c 224 art 12 s 29; 1998 c 397 art 6 s 124

### [§121A.23](#) PARENTAL INVOLVEMENT

The commissioner of education, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least:

- (5) **involvement of parents** and other community members.

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### III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught, according to [Minnesota's Education Code](#).

#### **§121A.23 PROGRAMS TO PREVENT AND REDUCE THE RISKS OF SEXUALLY TRANSMITTED INFECTIONS AND DISEASES.**

Sexually transmitted infections and diseases program. The commissioner of education, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to human **immunodeficiency virus** and human **papilloma virus**. Each district must have a program that includes at least:

- (1) planning materials, guidelines, and other **technically accurate** and updated information;
- (2) a comprehensive, **technically accurate**, and updated curriculum that includes helping students to **abstain** from sexual activity until marriage;
- (3) cooperation and coordination among districts and SCs;
- (4) a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted infections and diseases, for prevention efforts;
- (5) **involvement of parents** and other community members;
- (6) in-service training for appropriate district staff and school board members;
- (7) **collaboration** with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
- (8) **collaboration** with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program; and
- (9) participation by state and local student organizations.

The department may provide assistance at a neutral site to a nonpublic school participating in a district's program. District programs must not conflict with the health and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2, subdivision 7.

If a district fails to develop and implement a program to prevent and reduce the risk of sexually transmitted infection and disease, the department must assist the service cooperative in the region serving that district to develop or implement the program.

Subd. 2. Funding sources. Districts may accept funds for sexually transmitted infection and disease prevention programs developed and implemented under this section from public and private sources including public health funds and foundations, department professional development funds, federal block grants or other federal or state grants. History: 1988 c 718 art 5 s 1; 1Sp1995 c 3 art 16 s 13; 1996 c 305 art 1 s 138; 1998 c 397 art 3 s 3,103; 1999 c 241 art 2 s 1; 2003 c 130 s 12

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## IV. CONSENT LAWS

[Age of Majority](#) - Based on Minnesota Code [§645.45\(14\)](#) , 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 Minnesota Criminal Code [§609.342-345](#), 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 Minnesota may consent to
  - [§144.343](#) STI services
- **Other consent laws**
  - [§144.343](#) Pregnancy, Abortion.
  - [§144.346](#) Information to Parents.

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

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## V. OBSCENITY LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Minnesota Obscenity Codes](#).

Minnesota recodified its criminal law based in part on the ALI-MPC in 1963.

### [§ 617.293](#) Harmful materials; dissemination and display to minors prohibited

Subd. 2 Dissemination.

It is unlawful for any person knowingly to sell or loan for monetary consideration to a minor:

- (a) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors, or
- (b) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in clause (a), or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse which, taken as a whole, is harmful to minors.

Subd. 2. Display.

- (a) It is unlawful for any person commercially and knowingly to exhibit or display any material which is harmful to minors in its content in any place of public accommodation where minors are or may be present and where minors are able to view the material unless each item is kept in a sealed wrapper at all times.
- (b) It is unlawful for any person commercially and knowingly to exhibit or display any material the cover or packaging of which, standing alone, is harmful to minors in any place of public accommodation where minors are or may be present or allowed to be present and where minors are able to view the material unless each item is blocked from view by an opaque cover. The opaque cover requirement is satisfied if those portions of the cover or packaging containing the material harmful to minors are blocked from view by an opaque cover.
- (c) The provisions of this subdivision do not apply to the exhibition or display of materials harmful to minors under circumstances where minors are not present or are not able to view the material or the material's cover or packaging. A person may comply with the requirements of this paragraph by (1) physically segregating the material in a manner that physically prohibits access to and view of the material by minors, (2) prominently posting at the entrance to the restricted area: "Adults only---you must be 18 to enter," and (3) enforcing the restriction.

Credits

Laws 1969, c. 1071, § 3, eff. June 7, 1969. Amended by Laws 1971, c. 25, § 95, eff. March 5, 1971; Laws 1988, c. 452, § 1, eff. Aug. 1, 1988.

### [§ 617.295](#) Exemptions

The following are exempt from criminal or other action hereunder:

- (1) recognized and established schools, churches, museums, medical clinics and physicians, hospitals, public libraries, governmental agencies or quasi governmental sponsored organizations, and persons acting in their capacity as employees or agents of such organization. For the purpose of this section "recognized and established" shall mean an organization or agency having a full time faculty and diversified curriculum in the case of a school; a church affiliated with a national or regional

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denomination; a licensed physician or psychiatrist or clinic of licensed physicians or psychiatrists; and in all other exempt organizations shall refer only to income tax exempted organizations which are supported in whole or in part by tax funds or which receive at least one-third of their support from publicly donated funds;

(2) individuals in a parental relationship with the minor; and

(3) motion picture machine operators, stagehands, or other theatre employees such as cashiers, doorkeepers, ushers, and concession employees, if such person or persons have no financial interest in the entertainment presented other than the salary or wage, or in any theatre or place where such employee has no financial interest when the employee's services are obtained solely for salary or wage; provided, that such employee is under the direct supervision of a theatre manager who is a resident of this state and who is not exempt from action under sections 617.291 to 617.297.

Credits

Laws 1969, c. 1071, § 5, eff. June 7, 1969. Amended by Laws 1986, c. 444.

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## VI. STATE DEPARTMENT OF EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught, according to [Minnesota Depart. of Education](#).

### Minnesota Health and Physical Education

- The Minnesota Department of Education recommends that districts use the \***National Health Education Standards** (NHES).
- See [Sample Minnesota Bench Marks](#)

*\*Note: The **National Sexuality Education Standards** have been analyzed and found to contain 13 out of 15 of the [harmful elements](#) typically found in CSE curricula or materials. Learn more and see harm analysis [here](#).*

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

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