
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.*



HAWAII STATUTES AND LAWS

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

- I. [Sex-Ed Requirements Quick Chart](#)
- II. [Parental Rights Laws](#)
- III. [Sex Education Laws](#)
- IV. [Consent Laws](#)
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Hawaii Legislation convened on 1/16/19 and adjourned 3/29/19. [Hawaii's Legislative page](#) and [Statutes page](#) was updated 12/12/19.

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I. SEX-ED REQUIREMENTS QUICK CHART

LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required			X	
Sex education optional				
If/When Provided, Sexual Education Must/May:				
Be medically accurate	X			§321-11.1(a) , §321-11.1(b)
Be evidence based	X			§321-11.1(b)
Be age appropriate	X			§321-11.1(b)
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*	X			§321-11.1(a)
Include HIV/AIDS education	X			§321-11.1(a)
Be LGBTQ inclusive			X	
Include safety against sexual abuse			X	
Include abortion referrals/education			X	
Include condom distribution			X	
Parental Role in Sexual Education:				
Parents must have advanced notification			X	
Parental involvement			X	
Opt-in			X	
Opt-out/withdraw			X	
Access to/review curriculum			X	
Public review			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 .				

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II. PARENTAL RIGHTS LAWS

The following laws and guidelines apply to sex education and how sex education is taught in Florida, according to [Hawaii Revised Statutes](#).

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

III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught in Florida, according to [Hawaii Revised Statutes](#)

[§321-11.1](#) *Medically accurate sexuality health education.*

(a) Sexuality health education programs funded by the State shall provide **medically accurate** and **factual information** that is **age appropriate** and includes education on **abstinence**, contraception, and methods of disease prevention to prevent unintended pregnancy and sexually transmitted disease, including **human immunodeficiency virus**.

(b) For the purposes of this section:

"Age appropriate" means suitable to a particular age or age group based on developing cognitive, emotional, and behavioral capacity typical for that age or age group.

"Factual information" means medical, psychiatric, psychological, empirical, or statistical information that is verified or supported by research conducted by recognized medical, psychiatric, psychological, and public health professionals or organizations.

"Medically accurate" means verified or supported by research conducted in compliance with accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.

"Sexuality health education" means education in any medium regarding human development and sexuality, including education on pregnancy, family planning, and sexually transmitted diseases.

[L Sp 2009, c 27, §2]

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IV. CONSENT LAWS

[Age of Majority](#) - Based on Hawaii Code [§577-1](#), 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 Hawaii Code [§707-733](#), 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 Hawaii may consent to:
 - The provision of medical care and services - [§577A-2](#). Definition of “medical care and services - [§577A-1](#). Physician may, at the discretion of the treating physician or advanced practice registered nurse, inform the parent of any minor patient of the provision of medical care and services to the minor or disclose any information pertaining to such care and services. [§577A-3](#)
 - Abortions
- Other consent laws
 - [§577-29](#) Mental health service relating to minors diagnosis, counseling, and related activities.
 - [§577-26](#) Alcohol or drug abuse relating to minors diagnosis, counseling, and related activities.
 - [§577A-1](#) Medical care shall not include surgery or any treatment to induce abortion.

See “State Laws that address High-Impact HIV Prevention Efforts” at cdc.gov

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V. OBSCENITY LAWS

The following laws and guidelines apply to sex education and how it is taught in Florida, according to [Hawaii Obscenity Codes](#)

Hawaii recodified its criminal law based in part on the ALI-MPC in 1973.

Haw. Rev. Stat. 37 § 712-1210

“Pornographic for minors”. Any material or performance is “pornographic for minors” if:

(1) It is primarily devoted to explicit and detailed narrative accounts of sexual excitement, sexual conduct, or sadomasochistic abuse; and:

(a) It is presented in such a manner that the average person applying contemporary community standards, would find that, taken as a whole, it appeals to a minor’s prurient interest; and

(b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value; or

(2) It contains any photograph, drawing, or similar visual representation of any person of the age of puberty or older revealing such person with less than a fully opaque covering of his or her genitals and pubic area, or depicting such person in a state of sexual excitement or engaged in acts of sexual conduct or sadomasochistic abuse; and:

(a) It is presented in such a manner that the average person, applying contemporary community standards, would find that, taken as a whole, it appeals to a minor’s prurient interest; and

(b) Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

Haw. Rev. Stat. 37 § 712-1215 Promoting pornography for minors

(1) A person commits the offense of promoting pornography for minors if:(a) Knowing its character and content, the person disseminates to a minor material which is pornographic for minors; or(b) Knowing the character and content of a motion picture film or other performance which, in whole or in part, is pornographic for minors, the person:(i) Exhibits such motion picture film or other performance to a minor; or(ii) Sells to a minor an admission ticket or pass to premises where there is exhibited or to be exhibited such motion picture film or other performance; or(iii) Admits a minor to premises where there is exhibited or to be exhibited such motion picture film or other performance.

(2) Subsection (1) does not apply to a parent, guardian, or other person in loco parentis to the minor or to a sibling of the minor, or to a person who commits any act specified therein in the person's capacity and within the scope of the person's employment as a member of the staff of any public library.

(3) Promoting pornography for minors is a class C felony.

Credits

Laws 1972, ch. 9, § 1; Laws 1974, ch. 190, § 1; Laws 1984, ch. 90, § 1; Laws 1988, ch. 283, § 1; Laws 2000, ch. 21, § 2.

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VI. STATE DEPARTMENT OF EDUCATION POLICY

The following laws and guidelines apply to sex education and how it is taught in Florida, according to [The Hawaii Department of Education](#).

Policy [103.5](#) SEXUAL HEALTH EDUCATION

In order to help students make decisions that promote healthy behaviors, the Department of Education shall provide sexual health education to include age appropriate, medically accurate, health education that:

- (1) Includes education on abstinence, contraception, and methods of infection prevention to prevent unintended pregnancy and sexually transmitted infection, including human immunodeficiency virus;
- (2) Helps students develop relationships and communication skills to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion and intimidation;
- (3) Helps students develop skills in critical thinking, problem solving, decision making and stress management to make healthy decisions about sexuality and relationships;
- (4) Encourages student to communicate with their parents, guardians and/or other trusted adults about sexuality; and
- (5) Informs students of available community resources. Instruction will emphasize that abstention from sexual intercourse is the surest way to prevent unintended pregnancies, sexually transmitted infections such as HIV/AIDS, and consequent emotional distress.

A description of the curriculum utilized by the school shall be made available to parents and shall be posted on the school's website prior to the start of any instruction. A student shall be excused from sexual health instruction only upon the prior written request of the student's parent or legal guardian. A student may not be subject to disciplinary action, academic penalty or other sanction if the student's parent or legal guardian makes such written request. Approved: 9/95 Amended: 6/15

Approved curriculum

[Draw the Line, Respect the Line](#)

[Family Life and Sexual Health \(F.L.A.S.H.\)](#)

[HealthTeacher.com](#)

[Making a Difference](#)

[Pono Choices](#)

[Positive Prevention](#)

[Reducing the Risk \(RTR\)](#)

Warning: The above is a list of Hawaii Department of Education "approved curriculum." Programs in **red** text have been analyzed and found to contain [harmful content](#) for children. Programs not in red may or may not have harmful content.

Policy [101.13](#)

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- Student discussion of issues which generate opposing points of view shall be considered a normal part of the learning process in every area of the school program. The depth of the discussion shall be determined by the maturity of the students.
- Teachers shall refer students to resources reflecting all points of view. Discussions, including contributions made by the teacher or resource person, shall be maintained on an objective, factual basis. Stress shall be placed on learning how to make judgments based on facts.
- Opt-out process - Instructional staff or administration will notify parents or legal guardians of controversial issues that will be discussed in the classroom or through other school activities. This notification may be done through a general letter about the lesson or activity. Parents or legal guardians may also, on their own volition, write a letter to the school administrators or a teacher to have their child excluded from a specific lesson or activity. If such a letter is received, the student must be provided with an alternative learning activity. The parents or legal guardians have an obligation to notify the school administrator or teacher prior to the lesson or activity.
- If parents and legal guardians receive notification from instructional staff or administration of controversial issues to be discussed in the classroom or through other school activities, that notification will include an area for the parent/legal guardian to sign in order to exclude their child from the event, instruction or activity. This signed opt-out must be sent even if the parent/legal guardian had previously written a letter to exclude the student from a specific lesson or activity.

Implementing Sexual Health Education

Policy 2210

“In order to help students make decisions that promote healthy behaviors, the Department of Education shall instruct students that abstinence from sexual intercourse is the surest and most responsible way to prevent unintended pregnancies, sexually transmitted diseases such as HIV/AIDS, and consequent emotional distress. The abstinence-based education program shall:

- a. support abstinence from sexual intercourse and provide skill development to continue abstinence;
- b. help youth who have had sexual intercourse to abstain from further sexual intercourse until an appropriate time; and
- c. provide youth with information on and skill development in the use of protective devices and methods for the purpose of preventing sexually transmitted diseases and pregnancy.”

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Policy 2245

“The Board of Education is committed to the health education of our students which may include, within its study of human reproduction, a discussion of birth control devices but the distribution of condoms and other prophylactic devices to students shall be prohibited in the classroom, on the school campus or at any school related activities.”

Note: Staff from the Department’s Office of Curriculum, Instruction, and Student Support participated in this work, with a focus on reviewing the curriculum for alignment with the state’s HCPS III’s health education benchmarks. Other tools used in the review included the previously mentioned Health Education Curriculum Analysis Tool (HECAT), National Health Education Standards and the CDC’s Characteristics of an Effective Health Education Curriculum.

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

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