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MICHIGAN STATUTES AND LAWS

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

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[Michigan Compiled Laws](#) complete Through PA 84 of 2020. Michigan legislative session convened on 1/9/19 and adjourned on 12/31/20. © 2020 Legislative Council, State of Michigan

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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		§380.1507(2)
Sex education optional	X			
If/When Provided, Sexual Education Must/May:				
Be medically accurate	X			§ 380.1507b(2) , §380.1169(2)
Be evidence based			X	
Be age appropriate	X			§380.1507b(2)
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*	X			§380.1507(1, 6) , §380.1507b(1) , §380.1507b(2)(a,c) , §380.1169(1)
Include HIV/AIDS education	X			§380.1507b(1) , §380.1507b(3) , §380.1169
Be LGBTQ inclusive			X	
Include safety against sexual abuse	X			
Parental Role in Sexual Education:				
Parents must have advanced notification	X			§380.1507(3)
Parental involvement	X			§380.1507(5)
Opt-in	X			§380.1507a
Opt-out/withdraw	X			§380.1506 , §380.1507(3,4)
Access to/review curriculum	X			§380.1507(3)
Public review	X			§380.1507(6) , §380.1169(3)
Abortion	X			§380.1507(8)
*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 it is taught according to [Michigan Compiled Laws Act 451 of 1976](#).

[§ 380.1506](#)

(1) Upon the **written request of a pupil or the pupil's parent or guardian, a pupil shall be excused**, without penalty or loss of academic credit, from attending classes in which the subject of reproductive health is under discussion.

(2) As used in subsection (1) and sections 1507 and 1508, "reproductive health" means that state of an individual's well-being which involves the reproductive system and its physiological, psychological, and endocrinological functions.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977 Popular Name: Act 451
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[§ 380.1507](#)

(3) A pupil shall not be enrolled in a class in which the subjects of family planning or reproductive health are discussed unless the **pupil's parent or guardian is notified in advance of the course** and the content of the course, is given a **prior opportunity to review the materials** to be used in the course and is **notified in advance of his or her right to have the pupil excused** from the class. The state board shall determine the form and content of the notice required in this subsection.

(4) Upon the **written request of a pupil or the pupil's parent or legal guardian, a pupil shall be excused**, without penalty or loss of academic credit, from attending a class described in subsection (1).

[§ 380.1507a](#) Notice of excuse from class; enrollment.

If a parent or legal guardian of a pupil files with the public school in which the pupil is enrolled a continuing written notice that the pupil is to be excused from a class described in section 1507, the pupil shall not be enrolled in a class described in section 1507 **unless the parent or legal guardian submits a written authorization for that enrollment**.

History: Add. 1995, Act 289, Eff. July 1, 1996
Popular Name: Act 451

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III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Michigan Compiled Laws Act 451 of 1976](#).

[§ 380.1506](#) *Program of instruction in reproductive health; supervision; request to excuse pupil from attendance; "reproductive health" defined.*

(1) A program of instruction in reproductive health shall be supervised by a registered physician, a registered nurse, or other person certified by the state board as qualified.

(2) As used in subsection (1) and sections 1507 and 1508, "reproductive health" means that state of an individual's well-being which involves the reproductive system and its physiological, psychological, and endocrinological functions.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977
Popular Name: Act 451

[§ 380.1507](#) *Instruction in sex education; instructors, facilities, and equipment; stressing abstinence from sex; elective class; notice to parent or guardian; request to excuse pupil from attendance; qualifications of teacher; sex education advisory board; public hearing; distribution of family planning drug or device prohibited; "family planning," "class," and "course" defined.*

(1) The board of a school district **may** engage qualified instructors and provide facilities and equipment for instruction in sex education, including family planning, human sexuality, and the emotional, physical, psychological, hygienic, economic, and social aspects of family life. Instruction may also include the subjects of reproductive health and the recognition, prevention, and treatment of sexually transmitted disease. Subject to subsection (7) and section 1507b, the instruction described in this subsection shall stress that **abstinence from sex is a responsible and effective method** of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease and is a positive lifestyle for unmarried young people.

(2) The class described in subsection (1) **shall be elective** and not a requirement for graduation.

(3) A pupil shall not be enrolled in a class in which the subjects of family planning or reproductive health are discussed unless the **pupil's parent or guardian is notified in advance** of the course and the content of the course, is given a **prior opportunity to review the materials** to be used in the course and is **notified in advance** of his or her right **to have the pupil excused** from the class. The state board shall determine the form and content of the notice required in this subsection.

(4) Upon the written request of a pupil or the pupil's parent or legal guardian, a **pupil shall be excused**, without penalty or loss of academic credit, from attending a class described in subsection (1).

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(5) A school district that provides a class as permitted by subsection (1) shall offer the instruction by teachers qualified to teach health education. A school district shall not offer this instruction unless a sex education advisory board is established by the board of the school district. The board of a school district shall determine terms of service for the sex education advisory board, the number of members to serve on the advisory board, and a membership selection process that reasonably reflects the school district population, and shall appoint 2 co-chairs for the advisory board, at least 1 of whom is a **parent of a child** attending a school operated by the school district. At least 1/2 of the members of the sex education advisory board **shall be parents** who have a child attending a school operated by the school district, and a majority of these parent members shall be individuals who are not employed by a school district. The board of a school district **shall include pupils** of the school district, educators, local clergy, and community health professionals on the sex education advisory board. Written or electronic notice of a sex education advisory board meeting shall be sent to each member at least 2 weeks before the date of the meeting. The advisory board shall do all of the following:

(a) Establish program goals and objectives for pupil knowledge and skills that are likely to reduce the rates of sex, pregnancy, and sexually transmitted diseases. This subdivision does not prohibit a school district from establishing additional program goals and objectives that are not contrary to this section, section 1169, or section 1507b.

(b) Review the materials and methods of instruction used and make recommendations to the board of the school district for implementation. The advisory board shall take into consideration the school district's needs, demographics, and trends, including, but not limited to, teenage pregnancy rates, sexually transmitted disease rates, and incidents of student sexual violence and harassment.

(c) **At least once every 2 years, evaluate**, measure, and report the attainment of program goals and objectives established under subdivision (a). The board of a school district shall make the resulting report available to parents in the school district.

(6) Before adopting any revisions in the materials or methods used in instruction under this section, including, but not limited to, revisions to provide for the **teaching of abstinence** from sex as a method of preventing unplanned or out-of-wedlock pregnancy and sexually transmitted disease, the board of a school district shall hold at least **2 public hearings** on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1169.

(7) A person shall not dispense or otherwise distribute in a public school or on public school property a family planning drug or device.

(8) As used in this section, "family planning" means the use of a range of methods of fertility regulation to help individuals or couples avoid unplanned pregnancies; bring about wanted births; regulate the intervals between pregnancies; and plan the time at which births occur in relation to the age of parents.

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It may include the study of fetology. It may include marital and genetic information. **Clinical abortion shall not be considered a method of family planning, nor shall abortion be taught as a method of reproductive health.**

(9) As used in this section and sections 1506 and 1507a:

(a) "Class" means an instructional period of limited duration within a course of instruction and includes an assembly or small group presentation.

(b) "Course" means a series of classes linked by a common subject matter.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1977, Act 226, Imd. Eff. Nov. 30, 1977 ;-- Am. 1981, Act 87, Imd. Eff. July 2, 1981 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 2004, Act 165, Imd. Eff. June 24, 2004 Popular Name: Act 451

§ 380.1507b Sex education and instruction; curriculum requirements.

(1) Instruction under section [1507](#) in sex education and instruction under section 1169 on **human immunodeficiency virus** infection and acquired immunodeficiency syndrome **shall emphasize that abstinence from sex is a positive lifestyle for unmarried young people because abstinence is the only protection that is 100% effective** against unplanned pregnancy, sexually transmitted disease, and sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome.

(2) Material and instruction in the sex education curriculum under section 1507 that discusses sex shall be **age-appropriate, shall not be medically inaccurate**, and shall do at least all of the following:

(a) Discuss the benefits of **abstaining** from sex until marriage and the benefits of ceasing sex if a pupil is sexually active.

(b) Include a discussion of the possible emotional, economic, and legal consequences of sex.

(c) Stress that unplanned pregnancy and sexually transmitted diseases are serious possibilities of sex that are not fully preventable **except by abstinence**.

(d) Advise pupils of the laws pertaining to their responsibility as parents to children born in and out of wedlock.

(e) Ensure that pupils are not taught in a way that condones the violation of the laws of this state pertaining to sexual activity, including, but not limited to, sections 158, 335a, 338, 338a, 338b, and 520b to 520e of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.335a, 750.338, 750.338a, 750.338b, and 750.520b to 750.520e.

(f) Teach pupils **how to say "no"** to sexual advances and that it is wrong to take advantage of, harass, or exploit another person sexually.

(g) Teach **refusal skills** and encourage pupils to resist pressure to engage in risky behavior.

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(h) Teach that the pupil has the power to control personal behavior. Pupils shall be taught to base their actions on reasoning, self-discipline, a sense of responsibility, self-control, and ethical considerations such as respect for self and others.

(i) Provide instruction on healthy dating relationships and on how to set limits and recognize a dangerous environment.

(j) Provide information for pupils about how young parents can learn more about adoption services and about the provisions of the safe delivery of newborns law, chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20.

(k) Include information clearly informing pupils that having sex or sexual contact with an individual **under the age of 16 is a crime** punishable by imprisonment and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for up to 25 years.

(3) This section does not prohibit a public school from offering sex education with behavioral risk reduction strategies, as defined by law, that are not 100% effective against unplanned pregnancy, sexually transmitted disease, and **sexually transmitted human immunodeficiency virus infection and acquired immunodeficiency syndrome**.

History: Add. 2004, Act 165, Imd. Eff. June 24, 2004
Popular Name: Act 451

§ 380.1169 *Dangerous communicable diseases; human immunodeficiency virus infection and acquired immunodeficiency virus infection; teacher training; teaching materials; curricula; teaching of abstinence from sex.*

(1) The principal modes by which dangerous communicable diseases, including, but not limited to, human immunodeficiency virus infection and acquired immunodeficiency syndrome, are spread and the best methods for the restriction and prevention of these diseases shall be taught in every public school in this state. Subject to subsection (3) and section 1507b, the teaching under this section shall stress that **abstinence from sex is a responsible and effective method for restriction and prevention of these diseases** and is a positive lifestyle for unmarried young people.

(2) Except for licensed health care professionals who have received training on human immunodeficiency virus infection and acquired immunodeficiency syndrome, each person who teaches K to 12 pupils about human immunodeficiency virus infection and acquired immunodeficiency syndrome pursuant to subsection (1) shall have training in human immunodeficiency virus infection and acquired immunodeficiency syndrome education for young people. The superintendent of public instruction, in cooperation with the department of public health, shall train trainers to provide the teacher training required by this subsection and shall provide for the development and distribution to school districts of **medically accurate material** on the teaching of human immunodeficiency virus infection and acquired immunodeficiency syndrome to young people.

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(3) The choice of curricula to be used for human immunodeficiency virus infection and acquired immunodeficiency syndrome education required to be taught under subsection (1) shall be approved by the appropriate school board and implemented in the school setting not later than October 1, 1990. Before adopting any revisions to the curriculum implemented under this section, including, but not limited to, revisions to provide for the teaching of **abstinence** from sex as a responsible method for restriction and prevention of disease, a school board **shall hold at least 2 public hearings** on the proposed revisions. The hearings shall be held at least 1 week apart and public notice of the hearings shall be given in the manner required under section 1201 for board meetings. A public hearing held pursuant to this section may be held in conjunction with a public hearing held pursuant to section 1507.

History: 1976, Act 451, Imd. Eff. Jan. 13, 1977 ;-- Am. 1987, Act 185, Imd. Eff. Nov. 30, 1987 ;-- Am. 1990, Act 139, Imd. Eff. June 26, 1990 ;-- Am. 1993, Act 335, Imd. Eff. Dec. 31, 1993 ;-- Am. 2004, Act 165, Imd. Eff. June 24, 2004
Popular Name: Act 451

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IV. CONSENT LAWS

[Age of Majority](#) - Based on Michigan Codes [§722.1\(a\)](#), [§752.52](#) 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 Michigan Code [§28.243](#), 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 Michigan may consent to services including:
 - [Code §333.5127](#) *Minor infected with sexually transmitted infection or HIV; consent to treatment; informing spouse, parent, guardian, or person in loco parentis; financial responsibility.*
 - [Code §330.1264](#) *Authorization of services; consent by minor; informing spouse, parent, guardian, or person in loco parentis; legal responsibility for services.*
- **Other consent laws**
 - [§722.903](#) *Consent to abortion on minor; petition for waiver of parental consent.*
 - [§330.1707](#) *Rights of minor. (mental health)*
 - [§333.5653](#) *Definitions.*
 - [§333.9132](#) *Consent of minor to provision of health care; notice; permission to contact parents for additional medical information; giving or withholding information without consent of minor; “health care” defined.*

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

Mich. Comp. Laws Ann. [§752.365](#) Dissemination, or possession with intent to distribute, obscene material

Sec. 5. (1) A person is guilty of obscenity when, knowing the content and character of the material, the person disseminates, or possesses with intent to disseminate, any obscene material.

(2) Obscenity is a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than \$100,000.00, or both.

(3) A person convicted of a second or subsequent offense under this section is guilty of a felony and may be imprisoned for not more than 2 years, and shall be fined not less than \$50,000.00 or more than \$5,000,000.00. For purposes of this section, an offense is considered a second or subsequent offense if the defendant has previously been convicted under this section or under any similar statute of the United States or of any state.

Credits

P.A.1984, No. 343, § 5, Eff. March 29, 1985. Amended by P.A.1992, No. 216, § 1, Eff. March 31, 1993.

Mich. Comp. Laws Ann. Application of [§752.367](#) Sec. 7.

Section 5 does not apply to the dissemination of obscene material by any of the following:

- (a) An individual who disseminates obscene material in the course of his or her duties as an employee of, or as a member of the board of directors of, any of the following:
 - (i) A public or private college, university, or vocational school.
 - (ii) A library established by this state or a library established by a county, city, township, village, or other local unit of government or authority or combination of local units of government and authorities or a library established by a community college district.
 - (iii) A public or private not for profit art museum that is exempt from taxation under section 501(c)(3) of the internal revenue code.
- (b) An individual who disseminates obscene material in the course of the individual's employment and does not have discretion with regard to that dissemination or is not involved in the management of the employer.
- (c) Any portion of a business regulated by the federal communications commission.
- (d) A cable television operator that is subject to the communications act of 1934, chapter 652, 48 Stat. 1064.

Credits

P.A.1984, No. 343, § 7, Eff. March 29, 1985. Amended by [P.A.1992, No. 216, § 1, Eff. March 31, 1993](#)

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VI. STATE DEPARTMENT OF EDUCATION POLICY

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

Sex-Ed Policy:

- I. Parents/guardians and families are the first and primary sexuality educators of their children. Education programs are more likely to be effective when they are consistent with what most parents want for their children. Parents, schools, and the broader community must work together to provide consistent messages regarding healthy and responsible behavior. The State Board of Education recommends that local school districts adopt sexuality education programs that are consistent with school and community standards and support positive parent/child communication and guidance. The Board recommends that local school districts conduct parent/community surveys to assess attitudes towards sexuality education and help determine what specific topics should be taught and when they should be introduced.
- II. Decisions regarding the specific content of sexuality education programs, as with all curriculum areas, belong primarily at the local school district level. Sound programs of instruction address human development, healthy relationships, communication skills, possible consequences of sexual risk behaviors, influence of alcohol and other drugs on decisions and sexuality within society and culture. Instruction should emphasize that students have the power to control personal behavior and should base their actions on accurate information, values, reasoning, a sense of responsibility, and respect for self and others. Education programs should address the needs of all students: those who have abstained from sexual activity, those who have engaged in sexual activity but are currently abstaining, those who are engaging in sexual activity, and those who will decide to engage in sexual activity in the future. The content should also be consistent with the Michigan Department of Education Health Education Content Standards. The State Board of Education urges that sexuality education program content be [medically accurate*](#) and include current information. Abstinence from risky sexual behavior must be stressed as the only certain way to avoid HIV, other STIs, and pregnancy. Given the fact that 43 percent of Michigan high school students reported they have had sexual intercourse, instruction also needs to address methods to reduce risks for HIV, other STIs, and unintended pregnancy.
- III. Our nation's pluralistic society requires an educational system that provides education and supports programs that address the varied needs of highly diverse student populations in nondiscriminatory ways. The State Board of Education recommends that school districts plan and implement sexuality education programs that are age, developmentally, linguistically, and culturally appropriate. Local school districts should use multiple sources of data regarding student needs, knowledge, and behavior to plan programs that meet the prevention needs of all students, with due attention to those who might be at greater risk for HIV, other STIs, and pregnancy.
- IV. Best practice evidence suggests that an effective sexuality education program is:
 - A. conducted within the context of a broader Coordinated School Health Program;
 - B. initiated early, before students reach the age when they may adopt risky behaviors, and reinforced throughout middle and high school.
 - C. focused on the risk behaviors that are most likely to result in HIV infection, other sexually transmitted infections, and unintended pregnancy;

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- D. centered on a positive, healthy definition of sexual health rather than one that focuses only on avoiding negative outcomes;
 - E. based on proven theories of behavior change, with an emphasis on instructional methods that foster functional knowledge and develop prevention skills within environments that reinforce the knowledge and skills taught;
 - F. of sufficient duration for students to acquire the knowledge and skills needed to adopt healthy behaviors;
 - G. implemented with consistency as approved; and
 - H. delivered by trained staff who are comfortable with the subject matter and supportive of the program. The State Board of Education recommends that school districts plan, adopt, and implement sexuality education programs that are research based and consistent with principles of effective instruction.
- V. Successful sexuality instruction is best provided by well-trained and supported school staff members who demonstrate:
- A. sound knowledge of content and the ability to access and evaluate reliable sources for obtaining additional information;
 - B. skill in using a variety of teaching strategies, engaging educational methods, and performance-based student assessment;
 - C. the ability to communicate with and involve parents and guardians;
 - D. the ability to utilize trained community agency staff to enhance, but not replace, the instructional program;
 - E. the ability to work with appropriate school staff to link students to adolescent health services as necessary
 - F. skill in planning and evaluating curricula; and skill in working effectively with others within the school and community. The State Board of Education recommends that school districts support on-going professional development for designated school staff in effective sexuality instruction.
- VI. Adoption of sexuality education materials and methods should be well documented. The program should be revised regularly based on evaluation results, changes in research, and feedback from students, parents/guardians, and teachers. Evaluation information should indicate what students have learned and were able to apply, whether the program was workable for the teachers, and how the program could be improved. The State Board of Education recommends that the local advisory board. meet at least semi-annually to review program progress and make any necessary recommendations to the local school board.

**Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-review journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field.*

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

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