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## ARKANSAS STATUTES AND LAWS

This profile provides an overview of sex education laws in Arkansas 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](#)

Arkansas legislative session convened on 1/14/19 and adjourned on 3/19/19. The [Arkansas Codes](#) have been updated on the [Arkansas Legislative website](#) for 2019.

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## I. SEX-ED REQUIREMENTS QUICK CHART

LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required		X		<a href="#">§6-18-703(a)(3)</a>
Sex education optional	X			
<b>If/When Provided, Sexual Education Must/May:</b>				
Be medically accurate			X	
Be evidence based			X	
Be age appropriate			X	
Be culturally appropriate/ unbiased			X	
Reference/stress abstinence*	X			<a href="#">§6-18-703(a)(3)</a> , <a href="#">§6-18-703(d)(1)</a> , <a href="#">§6-18-703(d)(3)</a>
Include HIV/AIDS education	X			<a href="#">§6-18-703(d)(3)</a>
Be LGBTQ inclusive			X	
Include safety against sexual abuse			X	
Include abortion referrals/education		X		<a href="#">§6-18-703(a)(3)</a>
<b>Parental Role in Sexual Education:</b>				
Parental notification	X			<a href="#">§6-18-703(c)(3)</a>
Parental involvement			X	
Opt-in	X			<a href="#">§6-18-703(a)(1)(A)(i)</a> , <a href="#">§6-18-703(a)(1)(A)(ii)</a>
Opt-out/withdraw			X	
Access to/review curriculum			X	
<b>Other</b>				
School-based clinic guidelines				<a href="#">§6-18-703</a>
Arkansas allows condom distribution				<a href="#">§6-18-703(a)(1)(B)(i)</a> , <a href="#">§6-18-703(c)(1)</a> , <a href="#">§6-18-703(d)(2)</a>
Student Questionnaire/survey				<a href="#">§6-18-1303</a>
<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> .				

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## II. PARENTAL RIGHTS LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Arkansas Title 6](#).  
Current through 2020 First Extraordinary Session.

### **[§6-18-1303](#). Questionnaires or surveys administered in public schools.**

(a) A public school or public school district shall not administer or permit to be administered a questionnaire or survey that requests or requires a student to supply any personal identifying information unless written permission is obtained from the student's parent or legal guardian before the administration of the questionnaire or survey.

(b) To obtain written permission to administer a questionnaire or survey that requests or requires a student to supply any personal identifying information, the public school or public school district must give the student's parent or legal guardian an opportunity to review the questionnaire or survey and must give the parent or guardian written notice specifying:

- (1) How the questionnaire or survey will be administered to the student;
- (2) How the results of the questionnaire or survey will be utilized; and
- (3) The persons or entities that will have access to the results of the completed questionnaire or survey.

(c) A student's parent or legal guardian may refuse to allow the student to participate in any specified questionnaire or survey.

### **[§6-18-703](#) School based health clinics**

**(a) (1) (A) (i)** No school-based health clinic may be established in a public school until requested by resolution by the school district board of directors, and no child shall receive school-based health clinic services without parental consent.

**(ii)** Parental consent to contraceptive services and condom distribution shall be specific, in writing, and maintained in the student's health records.

Acts 1991, No. 1035, § 1; 1991, No. 1181, §§ 30, 36, 38; 1993, No. 1173, § 36

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### III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Arkansas Title 6](#) .  
Current through 2020 First Extraordinary Session.

#### [§6-18-703](#) School based health clinics

(a) (1) (A) (i) No school-based health clinic may be established in a public school until requested by resolution by the school district board of directors, and no child shall receive school-based health clinic services **without parental consent**.

(ii) **Parental consent** to contraceptive services and condom distribution shall be specific, in writing, and maintained in the student's health records.

(B)

(i) All school-based clinics shall maintain accurate records of the distributing and prescribing of contraceptives and condoms.

(ii) The number of pregnancies and sexually transmitted diseases among students in the schools with school-based clinics shall be transmitted annually to the school district board of directors.

(iii) Records maintained under this section are part of the confidential medical record of the student.

(iv) Numerical or statistical data required to be maintained under this subsection may not be released in a manner that reveals the identity of or any other information contained in the file of the student.

(2) If the board of directors establishes a school-based health clinic, the board of directors shall retain absolute control over the operations and programs offered by the clinic.

(3) Schools that offer sex education in school-based health clinics shall include instruction in sexual abstinence, and no funds shall be utilized for abortion referral.

(b) When any local school district board of directors elects to maintain a school-based health clinic in the school, any Department of Health employee working in the clinic shall be subject to the supervision and control of the school district board of directors.

(c)

(1) No state funds shall be used for the purchase or dispensing of contraceptives or abortifacients in public schools.

(2) Local school district boards of directors retain the sole authority over whether and to what extent family planning education is provided in clinics, including any purchase or distribution of contraceptives.

(3) **Notice** of family planning clinic intentions by a school district shall be given thirty (30) days in advance of a public meeting of the school district board of directors.

(d)

(1) It is hereby recognized that sexual activity by students places our youths at increased risk of pregnancy and the contraction of acquired immune deficiency syndrome and other sexually transmitted diseases, and it is the policy of the State of Arkansas to discourage such sexual activity.

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(2) The school district board of directors of every school district that associates itself with distributing, recommending, or prescribing condoms or contraceptives shall adopt a resolution acknowledging that there are risks associated with teen sexual activities.

(3) It is further required that every public school and public health department sex education and acquired immune deficiency syndrome prevention program shall emphasize premarital **abstinence** as the only sure means of avoiding pregnancy and the sexual contraction of acquired immune deficiency syndrome and other sexually transmitted diseases.

Acts 1991, No. 1035, § 1; 1991, No. 1181, §§ 30, 36, 38; 1993, No. 1173, § 36

#### **§6-16-1004 Dating violence awareness.**

(a) Annually, in either the month of October for a one-semester course taught in the fall or the month of February for a one-semester course taught in the spring, a unit on dating violence awareness shall be taught as a component of a health course offered in grades seven through twelve (7-12).

(b) A unit on dating violence awareness shall:

- (1) Focus on healthy relationships, including the characteristics of healthy relationships;
- (2) Teach students the definition of dating violence and abuse, including without limitation:
  - (A) Warning signs of dating violence and abusive behavior; and
  - (B) Measures to stop or prevent dating violence and abusive behavior;
- (3) Inform students about resources and reporting procedures for dating violence or abuse; and
- (4) Examine the common misconceptions and stereotypes about dating violence and abuse.

(c)

- (1) Materials used to teach a unit in dating violence awareness shall be age appropriate.
- (2) Information provided shall be objective and based on scientific research that is peer-reviewed and accepted by professionals and credentialed experts in the field of health education.

(d) The Division of Elementary and Secondary Education shall annually provide a list of source materials available for school districts to use to teach a unit on dating violence awareness, including without limitation materials from:

- (1) The Arkansas Coalition Against Domestic Violence;
- (2) The Centers for Disease Control and Prevention;
- (3) The National Domestic Violence Hotline;
- (4) The National Institutes of Health; and
- (5) Other sources of scientifically based research that are peer-reviewed.

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## IV. CONSENT LAWS

[Age of Majority](#) - Based on Arkansas law [§9-25-101](#) , 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 Arkansas Criminal Offenses code [§5-14-125](#) , 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 Arkansas may consent to:
  - [§20-16-508](#). STI treatment of minors
- **Other consent laws**
  - [§5-14-136](#). *Unlawful female genital mutilation of a minor.*
  - [§12-18-210](#). *Prohibition on intentionally causing, aiding, abetting, or assisting a child to obtain an abortion without parental consent.*
  - [§20-16-804](#). *Notarized consent.* See [§20-16-801](#), [802](#), [803](#)

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 [Arkansas Title 5](#).  
Arkansas recodified its criminal law based in part on the ALI-MPC in 1976.

### [§ 5-68-308](#). Obscenity defenses

- (a) No employee is liable to prosecution under this subchapter for promoting or possessing with intent to promote any obscene motion picture if the employee is acting within the scope of his or her regular employment.
- (b)(1) As used in subsection (a) of this section, “employee” means any person regularly employed by an owner or operator of a motion picture theater if the person:(A) Has no financial interest other than salary or wages in the ownership or operation of the motion picture theater;(B) Has no financial interest in or control over the selection of a motion picture shown in the theater; and(C) Is working within the motion picture theater where he or she is regularly employed.(2) However, “employee” does not include a manager of a motion picture theater.
- (c) No employee, director, or trustee of a bona fide school, museum, or public library, acting within the scope of his or her regular employment, is liable to prosecution for a violation of this subchapter for disseminating a writing, film, slide, drawing, or other visual reproduction that is claimed to be obscene.

Credits

Acts of 1981 (Ex. Sess.), Act 28, § 8.

Formerly A.S.A. 1947, § 41-3585.7.

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## VI. STATE DEPARTMENT OF EDUCATION POLICIES

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

### **According to Arkansas Department of Education [Health Standards 2019](#)**

Students will:

- Discuss the physical and social implications of STIs, including HIV and AIDS
- examine factors that are important to human reproduction, including prenatal care, pregnancy, and childbirth, and identify available health resources
- Analyzing the importance of sexual abstinence in teen relationships
- Comparing and contrasting abstinence to other forms of safety measures intended to reduce the risks of unintended pregnancies and STIs
- Identify healthy sexual behavior
- [Information](#) on HIV/AIDS and other diseases

### **[Recommendations from the Arkansas Act 1298 of 2013 Task Force for the Prevention Through Education of Child Sexual Abuse](#)**

- During the 89th General Assembly Representatives Baines, C. Armstrong, Fite, Gossage, Julian, Richey, Sabin and Wardlaw and Senator J. Key supported Act 1298, an Act to create the Arkansas Task Force for the Prevention through Education of Child Sexual Abuse; to study “Erin’s Law” and for other purposes.

Compare [state laws](#) with [DOE policies](#) for alignment.

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