
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.*



MISSISSIPPI STATUTES AND LAWS

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

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Mississippi legislative session convened on 1/8/19 and adjourned on 4/7/19. The [Mississippi Statutes](#) have been updated on the [Mississippi Legislative website](#) for 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		
Sex education optional	X			§37-31-171
If/When Provided, Sexual Education Must/May:				
Be medically accurate	X			§ 37-13-175 , §37-13-171(2.d),(3)
Be evidence based			X	
Be age appropriate	X			§37-13-171(1-3)
Be culturally appropriate/ unbiased			X	
Reference/stress abstinence*	X			§37-13-171(1-4)
Include HIV/AIDS education	X			§37-13-171(3)
Be LGBTQ inclusive		X		§37-13-171(2.e)
Include safety against sexual abuse	X			§37-13-171(3)(2.c.e),(3)
Discuss but not instruct/demonstrate condoms/contraceptive	X			§37-13-171(2.d),(3)
Parental Role in Sexual Education:				
Parental notification	X			§ 37-13-173
Parental involvement			X	
Opt-in	X			§ 37-13-173
Opt-out/withdraw	X			§ 37-13-21 , § 37-13-173
Access to/review curriculum	X			§ 37-13-173
Abortion		X		§37-13-171(6)
*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 [Mississippi Title 37](#).

[§37-13-173](#) Notice to parents; right to request inclusion of children in program of instruction; review of materials.

Each school providing instruction or any other presentation on human sexuality in the classroom, assembly or other official setting shall be required to provide no less than one (1) week's written **notice** thereof to the parents of children in such programs of instruction. The written **notice** must inform the parents of their right to request the **inclusion** of their child for such instruction or presentation. The notice also must inform the parents of the right, and the appropriate process, to **review the curriculum** and all materials to be used in the lesson or presentation. Upon the request of any parent, the school shall **excuse** the parent's child from such instruction or presentation, without detriment to the student.

Laws, 1998, ch. 510, § 2; Laws, 2011, ch. 430, § 3, eff from and after July 1, 2011

[§37-13-21](#) Health education programs.

Those students whose parents or guardians shall make written application to the proper authorities on the ground that such program is inconsistent with the tenets and practices of the known religious organization with which they are affiliated shall **not be required to participate** in the program.

Codes, 1942, § 6667.5; Laws, 1950, ch. 384, §§ 1, 2; Laws, 2013, ch. 497, § 58, eff from and after July 1, 2013.

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III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Mississippi Title 37](#).

[§37-13-21](#) Health education programs.

The State Board of Health and the various county health departments are hereby authorized and empowered to establish and provide for health education programs in the public school districts of this state and to employ county health educators for such purpose. In order to effectuate such programs the county superintendents of education of counties in which such programs have been established, with the approval of the county board of education, and the board of trustees of the municipal separate school districts are authorized and empowered, in their discretion, to cooperate and join with the said State Board of Health and the county health departments in such program. For such purposes the said county superintendents of education, with the approval of the county board of education, are hereby authorized and empowered to expend such funds as may be necessary from the common school funds of the county, and the board of trustees of municipal separate school districts are hereby authorized and empowered to expend such funds as may be necessary from the maintenance funds of such districts for the purpose of defraying the expenses of such cooperative health education programs. Those students whose parents or guardians shall make written application to the proper authorities on the ground that such program is inconsistent with the tenets and practices of the known religious organization with which they are affiliated shall not be required to participate in the program.

The State Board of Health and various county health departments shall have the power and authority to enter into such agreements and joint programs with the said county superintendents of education and boards of trustees of municipal separate school districts as may be necessary, proper and desirable in carrying out the purposes of this section, and in establishing and carrying on health education programs in the public school districts of this state, and the said county superintendents of education, with the approval and consent of the county board of education, and the board of trustees of municipal separate school districts shall have the power and authority to enter into such agreements and joint programs with each other and with the State Board of Health and county health departments as may be necessary for such purpose. Codes, 1942, § 6667.5; Laws, 1950, ch. 384, §§ 1, 2; Laws, 2013, ch. 497, § 58, eff from and after July 1, 2013

[§37-13-171](#) Implementation of abstinence-only or abstinence-plus education;(enacted 2016-2021)

(1) The local school board of every public school district shall adopt a policy to implement **abstinence-only** or **abstinence-plus** education into its curriculum by June 30, 2012, which instruction in those subjects shall be implemented not later than the start of the 2012-2013 school year or the local school board shall adopt the program which has been developed by the Mississippi Department of Human Services and the Mississippi Department of Health. The State Department of Education shall approve each district's curriculum for sex-related education and shall establish a protocol to be used by districts to provide continuity in teaching the approved curriculum in a manner that is **age, grade and developmentally appropriate**.

(2) **Abstinence-only** education shall remain the state standard for any sex-related education taught in the public schools. For purposes of this section, **abstinence-only** education includes any type of instruction or program which, at an **appropriate age and grade**:

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- (a) Teaches the social, psychological and health gains to be realized by abstaining from sexual activity, and the likely negative psychological and physical effects of not **abstaining**;
- (b) Teaches the harmful consequences to the child, the child's parents and society that bearing children out of wedlock is likely to produce, including the health, educational, financial and other difficulties the child and his or her parents are likely to face, as well as the inappropriateness of the social and economic burden placed on others;
- (c) Teaches that **unwanted sexual advances** are irresponsible and teaches how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances;
- (d) Teaches that **abstinence** from sexual activity before marriage, and fidelity within marriage, is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases and related health problems. The instruction or program may include a discussion on **condoms or contraceptives**, but only if that discussion includes a **factual presentation** of the risks and failure rates of those contraceptives. In no case shall the instruction or program include any demonstration of how **condoms or other contraceptives** are applied;
- (e) Teaches the current state law related to sexual conduct, including forcible rape, statutory rape, paternity establishment, child support and homosexual activity; and
- (f) Teaches that a mutually faithful, monogamous relationship in the context of marriage is the only appropriate setting for sexual intercourse.

(3) A program or instruction on sex-related education need not include every component listed in subsection (2) of this section for **abstinence-only** education. However, no program or instruction under an **abstinence-only** curriculum may include anything that contradicts the excluded components. For purposes of this section, abstinence-plus education includes every component listed under subsection (2) of this section that is **age and grade appropriate**, in addition to any other programmatic or instructional component approved by the department, which **shall not include instruction and demonstrations on the application and use of condoms**. Abstinence-plus education may discuss other contraceptives, the nature, causes and effects of sexually transmitted diseases, or the prevention of sexually transmitted diseases, including **HIV/AIDS**, along with a **factual presentation** of the risks and failure rates.

(4) Any course containing sex-related education offered in the public schools shall include instruction in either **abstinence-only or abstinence-plus** education.

(5) Local school districts, in their discretion, may host programs designed to teach parents how to discuss abstinence with their children.

(6) There shall be no effort in either an abstinence-only or an abstinence-plus curriculum to teach that **abortion** can be used to prevent the birth of a baby.

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(7) At all times when sex-related education is discussed or taught, boys and girls shall be separated according to gender into different classrooms, sex-related education instruction may not be conducted when boys and girls are in the company of any students of the opposite gender.

(8) This section shall stand repealed on July 1, 2021.

§ 37-13-175 Application of Sections 37-13-171 and 37-13-173 to biological science courses.
Laws, 1998, ch. 510, § 3, eff from and after July 1, 1998.

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IV. CONSENT LAWS

[Age of Majority](#) - Based on Mississippi Code [§ 1-3-27](#), anyone under the age of 21 is considered a minor, while those 21 years old and older are considered adults.

[Age of Consent](#) - Based on Mississippi Code [§ 43-17-35](#), 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 Mississippi may consent to:
 - [§ 41-41-13](#). Treatment for STI's.
 - [§ 41-41-203](#). Definition of "Emancipated Minor".
- **Parental consent** is required for Abortion services
 - [§ 41-41-53](#)
- **Other consent laws**
 - [§ 41-41-16](#). Tests for HIV without consent of patient.
 - [§ 41-42-7](#). Furnishing contraceptive supplies and information to minors.
- 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 [Mississippi Obscenity Laws](#).

Miss. Code Ann. [§ 97-29-101](#) Distribution of obscene materials

A person commits the offense of distributing obscene materials or obscene performances when he sells, rents, leases, advertises, publishes or exhibits to any person any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. A person commits the offense of wholesale distributing obscene materials or obscene performances when he distributes for the purpose of resale any obscene material or obscene performance of any description knowing the obscene nature thereof, or offers to do so, or possesses such material with the intent to do so. The word “knowing” as used in this section means either actual or constructive knowledge of the obscene contents of the subject matter, and a person has constructive knowledge of the obscene contents if he has knowledge of facts which would put a reasonable and prudent person on notice as to the suspect nature of the material. The character and reputation of an individual charged with an offense under Sections 97-29-101 through 97-29-109 and, if a commercial dissemination of obscene material or an obscene performance is involved, the character and reputation of the business establishment involved, may be placed in evidence by the defendant on the question of intent to violate Sections 97-29-101 through 97-29-109.

Any person, other than a city attorney, county prosecuting attorney or district attorney, who shall sign an affidavit charging an offense prescribed by this section shall file a bond in the amount of five hundred dollars (\$500.00) at the time such affidavit is lodged. Such bond shall be conditioned that the affidavit was not filed frivolously, maliciously or out of ill will.

Credits

Laws 1983, Ch. 498, § 1, eff. July 1, 1983.

Miss. Code Ann. [§ 97-29-107](#)

Exemptions and defenses:

(1) Sections 97-29-101 through 97-29-109 shall not apply when the distribution or wholesale distribution of the material, performance or device was made by:

(a) A person, corporation, company, partnership, firm, association, business, establishment or other legal entity to a person associated with an institution of higher learning, either as a member of the faculty or as a matriculated student, teaching or pursuing a course of study related to such material, performance or device;

(b) A licensed physician or a licensed psychologist to a person whose receipt of such material or device was authorized in writing by such physician or psychologist in the course of medical or psychological treatment or care;

(c) A person who while acting in his capacity as an employee is employed on a full-time or part-time basis by (i) any recognized historical society or museum accorded charitable status by the federal government; (ii) any state, county or municipal public library; or (iii) any library of any public or private school, college or university in this state; or

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(d) A community television antenna services system or a cable television system operating pursuant to a written agreement not in conflict with this paragraph granted by a county, municipality or other political subdivision of this state, or by an employee of such system while acting within the scope of his employment, when the signal transmitting the material or performance originates outside of the state of Mississippi.

(2) Any exemption from prosecution claimed under the provisions of this section may be raised at a pretrial hearing by motion, and the court shall determine whether sufficient evidence exists to constitute an exemption from prosecution under the provisions of Sections 97-29-101 through 97-29-109. If the motion is sustained, the case shall be dismissed; provided, however, if the motion is not sustained then the defendant may offer into evidence at trial as an affirmative defense to conviction under this act any matter which could have been raised by the defendant in the motion to dismiss.

Credits

Laws 1983, Ch. 498, § 4, eff. July 1, 1983.

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VI. STATE DEPARTMENT OF EDUCATION POLICIES

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

Contemporary Health (K-8) includes:

For 8th grade

- Abstinence: a deliberate decision to avoid harmful behaviors, including sexual activity before marriage
- How are communicable diseases spread? What are sexually transmitted diseases?
- How does abstinence from sexually activity show that you are responsible?
- Invite a health professional/nurse to discuss sexually transmitted diseases, contraceptives, and simple ways (i.e., hand washing) to prevent communicable diseases
- In groups have students role play positive and negative peer pressure situations involving: premarital sex, abstinence, etc.
- See more

Contemporary Health (9-12) includes:

Note: If you choose the topic of abstaining from premarital sex, you should check to see if your district chose abstinence-only or abstinence-plus. (Mississippi House Bill 999 - Appendix G)

- Apply the decisionmaking model to solve a personal problem.
- Divide the class into groups and give groups a personal problem situation where they must write a solution utilizing the decision-making model. (Reasons for abstaining from premarital sex,
- Identify strategies for choosing abstinence when faced with sexual pressures
- Have students participate in a classroom discussion and facilitate the group's role-playing of assertive strategies to resist sexual pressures and advances.
- Have students anonymously submit a question on one of the following subjects: divorce, family alcoholism, drug abuse, financial problems, physical or sexual abuse
- Performance Task Title: Class Project – Teen Survey – Abstinence vs. Being Sexually Active

More:

- identify common sexually transmitted diseases.
- explain the prevention and treatment of sexually transmitted diseases.
- describe the symptoms, mode of transmission, prevention, and treatment of HIV and AIDS.

Definitions:

- Abstinence: the conscious decision to avoid harmful behaviors, including sexual activity before marriage and the use of tobacco, alcohol, and other drugs.
- Child abuse: physical harm, including sexual abuse, or emotional harm to a child.
- Platonic friendship: a relationship with a member of the opposite gender in which there is affection, but no sexual activity.

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

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