

---

**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.*



## ILLINOIS STATUTES AND LAWS

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

Illinois legislative session convened on 1/9/19 and adjourned on 3/19/19. The [Illinois statutes](#) have been updated on the [Illinois Legislative website](#) for 2019.

---

[Back to top](#)

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="#">§105 ILCS-27-9.1(e)</a>
Sex education optional	X			<a href="#">§105 ILCS-27-9.1</a>
<b>If/When Provided, Sexual Education Must/May:</b>				
Be medically accurate	X			<a href="#">§105 ILCS 5/27-9.1</a> , <a href="#">§105 ILCS 5/27-9.1(c.1)</a> , <a href="#">§105 ILCS 5/27-9.1(c.5)</a>
Be evidence based	X			<a href="#">§105 ILCS 5/27-9.1</a> , <a href="#">§105 ILCS 5/27-9.1(c.1.5)</a>
Be age appropriate	X			<a href="#">§105 ILCS 5/27-9.1</a> , <a href="#">§105 ILCS 5/27-9.1(c.1)</a> , <a href="#">§105 ILCS 5/27-9.1(c.11)</a> , <a href="#">§105 ILCS 5/27-9.2</a>
Be culturally appropriate/unbiased	X			<a href="#">§105 ILCS 5/27-9.1</a>
Reference/stress abstinence*	X			<a href="#">§105 ILCS 5/27-9.1(a.5)</a> , <a href="#">§105 ILCS 5/27-9.1(b)</a> , <a href="#">§105 ILCS 5/27-9.1(c.3)</a>
Include HIV/AIDS education	X			<a href="#">§105 ILCS 5/27-9.1(a.5)</a> , <a href="#">§105 ILCS 5/27-9.1(c.3.5)</a> , <a href="#">§105 ILCS 5/27-9.2</a>
Be LGBTQ inclusive			X	
Include safety against sexual abuse	X			<a href="#">§105 ILCS 5/27-9.1(c.8)</a>
Include consent education	X			<a href="#">§105 ILCS 5/27-9.1(c.11)</a>
Include abortion referrals/education		X		<a href="#">§105 ILCS 5/27-9.2</a>
Include condom distribution			X	
<b>Parental Role in Sexual Education:</b>				
Parental notification			X	
Parental involvement			X	
Opt-in			X	
Opt-out/withdraw	X			<a href="#">§105 ILCS 5/27-9.1</a> , <a href="#">§105 ILCS 5/27-9.2</a> , <a href="#">§105 ILCS 5/27-11</a>
Access to/review curriculum	X			<a href="#">§105 ILCS 5/27-9.1(d,e)</a>
Right to inspect policy			X	
Public review			X	
<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>				

[Back to top](#)

## II. PARENTAL RIGHTS LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Illinois 105 ILCS](#).

### [§105 ILCS 5/27-9.1](#) Sex education.

- (a-5) No pupil **shall be required** to take or participate in any class or course in comprehensive sex education if his parent or guardian submits written objection thereto, and refusal to take or participate in such course or program shall not be reason for suspension or expulsion of such pupil. Each class or course in comprehensive sex education offered in any of grades 6 through 12 shall include instruction on both abstinence and contraception for the prevention of pregnancy and sexually transmitted diseases, including HIV/AIDS. Nothing in this Section prohibits instruction in sanitation, hygiene or traditional courses in biology.
- (d) An opportunity shall be afforded to individuals, including parents or guardians, to **examine** the instructional materials to be used in such class or course.
- (e) The State Board of Education shall make available resource materials, with the cooperation and input of the agency that administers grant programs consistent with criteria (1) and (1.5) of subsection (c) of this Section, for educating children regarding sex education and may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by education experts and other groups that work on sex education issues. Materials may include without limitation model sex education curriculums and sexual health education programs. The State Board of Education shall **make these resource materials available** on its Internet website. School districts that do not currently provide sex education are not required to teach sex education. If a sex education class or course is offered in any of grades 6 through 12, the school district may choose and adapt the developmentally and age-appropriate, medically accurate, evidence-based, and complete sex education curriculum that meets the specific needs of its community.

(Source: P.A. 100-684, eff. 8-3-18.)

### [§105 ILCS 5/27-9.2](#) Family Life.

However, **no pupil shall be required** to take or participate in any family life class or course on AIDS instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in such course or program shall not be reason for suspension or expulsion of such pupil.

(Source: P.A. 86-941.)

### [§105 ILCS 5/27-11](#) Instruction on diseases.

**No pupil shall be required** to take or participate in instruction on diseases if a parent or guardian files written objection thereto on constitutional grounds, and refusal to take or participate in such instruction on such grounds shall not be reason for suspension or expulsion of such pupil. Nothing in this act shall prohibit instruction in sanitation and hygiene.

(Source: Laws 1961, p. 31.)

**Illinois has a School Health Center.** All students in the school under the age of 18 are eligible for services if they have obtained written **parental consent** or if they are otherwise permitted under Illinois law to consent on their own behalf to such care.

[Back to top](#)

### III. SEX EDUCATION LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Illinois 105 ILCS](#).

#### [§105 ILCS 5/27-9.1](#) Sex education.

(a) In this Section:

"Adapt" means to modify an evidence-based program model for use with a particular demographic, ethnic, linguistic, or cultural group.

"Age appropriate" means suitable to particular ages or age groups of children and adolescents, based on the developing cognitive, emotional, and behavioral capacity typical for the age or age group.

"Evidence-based program" means a program for which systematic, empirical research or evaluation has provided evidence of effectiveness.

"Medically accurate" means verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, if applicable, or comprising information recognized as accurate, objective, and complete.

(a-5) No pupil shall be required to take or participate in any class or course in comprehensive sex education if his parent or guardian submits written objection thereto, and refusal to take or participate in such course or program shall not be reason for suspension or expulsion of such pupil. Each class or course in comprehensive sex education offered in any of grades 6 through 12 shall include instruction on both **abstinence** and contraception for the prevention of pregnancy and sexually transmitted diseases, including **HIV/AIDS**. Nothing in this Section prohibits instruction in sanitation, hygiene or traditional courses in biology.

(b) All public school classes that teach sex education and discuss sexual intercourse in grades 6 through 12 shall emphasize that **abstinence** from sexual intercourse is a responsible and positive decision and is the only protection that is 100% effective against unwanted teenage pregnancy, sexually transmitted diseases, and acquired immune deficiency syndrome (AIDS) when transmitted sexually.

(c) All classes that teach sex education and discuss sexual intercourse in grades 6 through 12 shall satisfy the following criteria:

(1) Course material and instruction shall be developmentally and **age appropriate, medically accurate,** and complete.

(1.5) Course material and instruction shall replicate **evidence-based** programs or substantially incorporate elements of evidence-based programs.

(2) Course material and instruction shall teach honor and respect for monogamous heterosexual marriage.

(3) Course material and instruction shall place substantial emphasis on both **abstinence**, including abstinence until marriage, and contraception for the prevention of pregnancy and sexually

[Back to top](#)

transmitted diseases among youth and shall stress that **abstinence** is the ensured method of avoiding unintended pregnancy, sexually transmitted diseases, and HIV/AIDS.

- (4) Course material and instruction shall include a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse and the consequences of unwanted adolescent pregnancy.
- (5) Course material and instruction shall stress that sexually transmitted diseases are serious possible hazards of sexual intercourse. Pupils shall be provided with statistics based on the **latest medical information** citing the failure and success rates of condoms in preventing **AIDS** and other sexually transmitted diseases.
- (6) Course material and instruction shall advise pupils of the laws pertaining to their financial responsibility to children born in and out of wedlock.
- (7) Course material and instruction shall advise pupils of the circumstances under which it is unlawful for males to have sexual relations with females under the age of 18 to whom they are not married pursuant to Article 11 of the Criminal Code of 2012.
- (8) Course material and instruction shall teach pupils to not make unwanted physical and verbal sexual advances and how to say no to **unwanted sexual advances**. Pupils shall be taught that it is wrong to take advantage of or to exploit another person. The material and instruction shall also encourage youth to resist negative peer pressure. The material and instruction shall include, with an emphasis on the workplace environment and life on a college campus, discussion on what constitutes sexual consent and what may be considered **sexual harassment** or **sexual assault**.
- (9) (Blank).
- (10) Course material and instruction shall teach pupils about the dangers associated with drug and alcohol consumption during pregnancy.
- (11) Course material and instruction must include an **age-appropriate** discussion on the meaning of consent that includes discussion on recognizing all of the following:
  - (A) That consent is a freely given agreement to sexual activity.
  - (B) That consent to one particular sexual activity does not constitute consent to other types of sexual activities.
  - (C) That a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent.
  - (D) That a person's manner of dress does not constitute consent.
  - (E) That a person's consent to past sexual activity does not constitute consent to future sexual activity.
  - (F) That a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.
  - (G) That a person can withdraw consent at any time.
  - (H) That a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to certain circumstances that include, but are not limited to, (i) the person is incapacitated due to the use or influence

[Back to top](#)

of alcohol or drugs, (ii) the person is asleep or unconscious, (iii) the person is a minor, or (iv) the person is incapacitated due to a mental disability.

(d) An opportunity shall be afforded to individuals, including parents or guardians, to examine the instructional materials to be used in such class or course.

(e) The State Board of Education shall make available resource materials, with the cooperation and input of the agency that administers grant programs consistent with criteria (1) and (1.5) of subsection (c) of this Section, for educating children regarding sex education and may take into consideration the curriculum on this subject developed by other states, as well as any other curricular materials suggested by education experts and other groups that work on sex education issues. Materials may include without limitation model sex education curriculums and sexual health education programs. The State Board of Education shall make these resource materials available on its Internet website. School districts that do not currently provide sex education are not required to teach sex education. If a sex education class or course is offered in any of grades 6 through 12, the school district may choose and adapt the developmentally and age-appropriate, medically accurate, evidence-based, and complete sex education curriculum that meets the specific needs of its community.

(Source: P.A. 100-684, eff. 8-3-18; 101-579, eff. 1-1-20.)

### **§105 ILCS 5/27-9.2 Family Life.**

If any school district provides courses of instruction designed to promote wholesome and comprehensive understanding of the emotional, psychological, physiological, hygienic and social responsibility aspects of family life, then such courses of instruction shall include the teaching of the **alternatives to abortion, appropriate to the various grade levels**; and whenever such courses of instruction are provided in any of grades 6 through 12, then such courses also shall include instruction on the prevention, transmission and spread of **AIDS**. However, **no pupil shall be required** to take or participate in any family life class or course on AIDS instruction if his parent or guardian submits written objection thereto, and refusal to take or participate in such course or program shall not be reason for suspension or expulsion of such pupil.

The State Superintendent of Education shall prepare and make available to local school districts courses of instruction designed to satisfy the requirements of this Section.

The State Superintendent of Education shall develop a procedure for evaluating and measuring the effectiveness of the family life courses of instruction in each local school district, including the setting of reasonable goals for reduced sexual activity, sexually transmitted diseases and premarital pregnancy. The goals shall be set by the beginning of the 1991-92 school year. The State Superintendent shall distribute a copy of the procedure to each local school district. Each local school district may develop additional procedures or methods for measuring the effectiveness of the family life courses of instruction within the district. Before the beginning of the 1993-94 school year, the State Superintendent shall collect and evaluate all relevant data to determine whether the goals are being achieved.

(Source: P.A. 86-941.)

### ***Section 5. The School Code is amended by changing Section***

**§27-23.1** as follows:

### **§105 ILCS 5/27-23.1 Parenting education.**

(a) The State Board of Education must assist each school district that offers an evidence-based parenting education model. School districts may provide instruction in parenting education for grades 6 through 12

[Back to top](#)

and include such instruction in the courses of study regularly taught therein. School districts may give regular school credit for satisfactory completion by the student of such courses.

As used in this subsection (a), "parenting education" means and includes instruction in the following:

- (1) Child growth and development, including prenatal development.
- (2) Childbirth and child care.
- (3) Family structure, function and management.
- (4) Prenatal and postnatal care for mothers and infants.
- (5) Prevention of child abuse.
- (6) The physical, mental, emotional, social, economic and psychological aspects of interpersonal and family relationships.
- (7) Parenting skill development.

The State Board of Education shall assist those districts offering parenting education instruction, upon request, in developing instructional materials, training teachers, and establishing appropriate time allotments for each of the areas included in such instruction.

School districts may offer parenting education courses during that period of the day which is not part of the regular school day. Residents of the school district may enroll in such courses. The school board may establish fees and collect such charges as may be necessary for attendance at such courses in an amount not to exceed the per capita cost of the operation thereof, except that the board may waive all or part of such charges if it determines that the individual is indigent or that the educational needs of the individual requires his or her attendance at such courses.

(b) Beginning with the 2019-2020 school year, from appropriations made for the purposes of this Section, the State Board of Education shall implement and administer a 3-year pilot program supporting the health and wellness student-learning requirement by utilizing a unit of instruction on parenting education in participating school districts that maintain grades 9 through 12, to be determined by the participating school districts. The program is encouraged to include, but is not be limited to, instruction on (i) family structure, function, and management, (ii) the prevention of child abuse, (iii) the physical, mental, emotional, social, economic, and psychological aspects of interpersonal and family relationships, and (iv) parenting education competency development that is aligned to the social and emotional learning standards of the student's grade level. Instruction under this subsection (b) may be included in the Comprehensive Health Education Program set forth under Section 3 of the Critical Health Problems and Comprehensive Health Education Act. The State Board of Education is authorized to make grants to school districts that apply to participate in the pilot program under this subsection (b). The State Board of Education shall by rule provide for the form of the application and criteria to be used and applied in selecting participating urban, suburban, and rural school districts. The provisions of this subsection (b), other than this sentence, are inoperative at the conclusion of the pilot program.

(Source: P.A. 100-1043, eff. 8-23-18.)

**Illinois has a School Health Center.** All students in the school under the age of 18 are eligible for services if they have obtained written parental consent or if they are otherwise permitted under Illinois law to consent on their own behalf to such care. The school health center shall provide a list of the health care services available. The form shall enumerate the provided services using either a check off or other means. The consent form shall state that a parent, legal guardian, or student who is permitted under Illinois law to consent on his or her own behalf has a right to refuse any health care services.

[Back to top](#)

## IV. CONSENT LAWS

**Age of Majority** - Based on Illinois Code [§755 ILCS 5/11-1](#), 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 Illinois Code [§720 ILCS 5/11-1.50](#), the age when children can legally consent or agree to sex is 17.

**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 Illinois may consent to:
  - [§410 ILCS 210/1](#) Health care services.
  - [§410 ILCS 210/1.5](#) Limited primary care services.
  - [§410 ILCS 210/4](#) Sexually transmitted disease services.
  - [§410 ILCS 210/5](#) Primary care services.
  - [§325 ILCS 10/1](#) Birth control services and information.
  - [§410 ILCS 305/9](#) Disclosure.
  - [§693.130](#) STI Treatment.
  - [§697.420](#) STI Testing, Treatment
- **Parental consent** is required for Abortion services.
  - [§750 ILCS 70/15](#)
- **Other consent laws**
  - [§410 ILCS 305/2](#)
  - [§410 ILCS 305/3](#)
  - [§410 ILCS 305/4](#)
  - [§697.120](#)

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

[Back to top](#)



## V. OBSCENITY LAWS

The following laws and guidelines apply to sex education and how it is taught according to [Illinois Criminal Offenses Code](#).

Illinois recodified its criminal law based in part upon the ALI-MPC in 1962.

### **[§720 ILCS 5/11-20](#) Obscenity**

*Formerly cited as IL ST CH 38 ¶11-20*

(a) Elements of the Offense. A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he or she:

(1) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene; or (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene; or (3) Publishes, exhibits or otherwise makes available anything obscene; or (4) Performs an obscene act or otherwise presents an obscene exhibition of his or her body for gain; or (5) Creates, buys, procures or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or (6) Advertises or otherwise promotes the sale of material represented or held out by him or her to be obscene, whether or not it is obscene. (b) Obscene Defined.

Any material or performance is obscene if: (1) the average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest; and (2) the average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and (3) taken as a whole, it lacks serious literary, artistic, political or scientific value.

(c) Interpretation of Evidence.

Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political or scientific value.

In any prosecution for an offense under this Section evidence shall be admissible to show:

- (1) The character of the audience for which the material was designed or to which it was directed;
- (2) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

[Back to top](#)

- (3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof;
  - (4) The degree, if any, of public acceptance of the material in this State;
  - (5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
  - (6) Purpose of the author, creator, publisher or disseminator.
- (d) Sentence. Obscenity is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.
- (e) Permissive Inference.

The trier of fact may infer an intent to disseminate from the creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than 3 copies of obscene material.

(f) Affirmative Defenses. It shall be an affirmative defense to obscenity that the dissemination:

- (1) Was not for gain and was made to personal associates other than children under 18 years of age;
- (2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(g) Forfeiture of property. A person who has been convicted previously of the offense of obscenity and who is convicted of a second or subsequent offense of obscenity is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.

Credits - Laws 1961, p. 1983, § 11-20, eff. Jan. 1, 1962. Amended by Laws 1961, p. 2456, § 1, eff. Aug. 1, 1961; Laws 1965, p. 964, § 1, eff. July 1, 1965; Laws 1967, p. 2975, § 1, eff. Aug. 14, 1967; P.A. 77-2638, § 1, eff. Jan. 1, 1973; P.A. 84-709, § 1, eff. Jan. 1, 1986; P.A. 85-1014, § 1, eff. Jan. 1, 1989; P.A. 96-712, § 10, eff. Jan. 1, 2010; P.A. 96-1551, Art. 2, § 5, eff. July 1, 2011.

### **§720 ILCS 5/11-21 Harmful material.**

(a) As used in this Section:

“Distribute” means to transfer possession of, whether with or without consideration.

“Harmful to minors” means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a whole, it (i) predominately appeals to the prurient interest in sex of minors, (ii) is patently offensive to prevailing standards in the adult community in the State as a whole with respect to what is suitable material for minors, and (iii) lacks serious literary, artistic, political, or scientific value for minors.

“Knowingly” means having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.

“Material” means (i) any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically, or (ii) any book, magazine, printed matter however reproduced, or recorded audio of any sort.

[Back to top](#)

“Minor” means any person under the age of 18.

“Nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

“Sado-masochistic abuse” means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

“Sexual conduct” means acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

“Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(b) A person is guilty of distributing harmful material to a minor when he or she:

(1) knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(A) any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors;

(B) a motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or

(C) an admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(c) In any prosecution arising under this Section, it is an affirmative defense:

(1) that the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) that the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

[Back to top](#)

(3) that the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) that the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) that an advertisement of harmful material as defined in this Section culminated in the sale or distribution of such harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his or her employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State."

(d) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(e) Distribution of harmful material in violation of this Section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony.

(f) Any person under the age of 18 who falsely states, either orally or in writing, that he or she is not under the age of 18, or who presents or offers to any person any evidence of age and identity that is false or not actually his or her own with the intent of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(g) A person over the age of 18 who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to, or sends, or causes to be sent, or exhibits to, or offers to distribute, or exhibits any harmful material to a person that he or she believes is a minor is guilty of a Class A misdemeanor. If that person utilized a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, then each offense is a Class 4 felony.

(h) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this Section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this Section.

[Back to top](#)

## VI. SCHOOL DEPARTMENT OF EDUCATION

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

### [Sex Education Learning Standards](#)

Public Act 98-0441 requires schools that teach sex education in any of grades 6 through 12 to include instruction in both abstinence and contraception, and to teach with materials that are evidence-based and medically accurate. The Act also requires ISBE to provide a listing of resources to assist schools to secure or develop or adapt instructional materials in sex education that comply with the law, effective January 1, 2014. ISBE is currently reviewing many available programs and adaptations, in consultation with Illinois Department of Human Services, Illinois Department of Public Health, and the CDC.

Although health teachers must implement the Illinois Learning Standards for physical development and health, health teachers are also advised to review the CDC's standards on health education, found at: <http://www.cdc.gov/healthyyouth/sexer/standards/>.

The state board provides these resources for districts to choose to use:

- [Listing of Risk Reduction Evidence-based Behavioral Interventions \(EBI\) for YouthPDF Document](#)
- [Listing of Effective Teen Pregnancy Prevention ProgramsPDF Document](#)

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

Revised June 2020

[Back to top](#)