

State of Arizona  
House of Representatives  
Fifty-second Legislature  
First Regular Session  
2015

# HOUSE BILL 2056

AN ACT

AMENDING SECTIONS 9-462.01 AND 11-811, ARIZONA REVISED STATUTES; RELATING TO ZONING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Subject to the requirements of article IV, part 1,  
3 section 1, Constitution of Arizona, section 9-462.01, Arizona Revised  
4 Statutes, is amended to read:

5 9-462.01. Zoning regulations; public hearing; prohibition;  
6 definitions

7 A. Pursuant to this article, the legislative body of any municipality  
8 by ordinance may in order to conserve and promote the public health, safety  
9 and general welfare:

10 1. Regulate the use of buildings, structures and land as between  
11 agriculture, residence, industry, business and other purposes.

12 2. Regulate signs and billboards.

13 3. Regulate the location, height, bulk, number of stories and size of  
14 buildings and structures, the size and use of lots, yards, courts and other  
15 open spaces, the percentage of a lot ~~which~~ THAT may be occupied by a building  
16 or structure, access to incident solar energy and the intensity of land use.

17 4. Establish requirements for off-street parking and loading.

18 5. Establish and maintain building setback lines.

19 6. Create civic districts around civic centers, public parks, public  
20 buildings or public grounds and establish regulations therefor.

21 7. Require as a condition of rezoning public dedication of  
22 rights-of-way as streets, alleys, public ways, drainage and public utilities  
23 as are reasonably required by or related to the effect of the rezoning.

24 8. Establish floodplain zoning districts and regulations to protect  
25 life and property from the hazards of periodic inundation. Regulations may  
26 include variable lot sizes, special grading or drainage requirements, or  
27 other requirements deemed necessary for the public health, safety or general  
28 welfare.

29 9. Establish special zoning districts or regulations for certain lands  
30 characterized by adverse topography, adverse soils, subsidence of the earth,  
31 high water table, lack of water or other natural or man-made hazards to life  
32 or property. Regulations may include variable lot sizes, special grading or  
33 drainage requirements, or other requirements deemed necessary for the public  
34 health, safety or general welfare.

35 10. Establish districts of historical significance provided that:

36 (a) The ordinances may require that special permission be obtained for  
37 any development within the district if the legislative body has adopted a  
38 plan for the preservation of districts of historical significance ~~which~~ THAT  
39 meets the requirements of subdivision (b) of this paragraph, and the criteria  
40 contained in the ordinance are consistent with the objectives set forth in  
41 the plan.

42 (b) A plan for the preservation of districts of historical  
43 significance shall identify districts of special historical significance,  
44 state the objectives to be sought concerning the development or preservation  
45 of sites, area and structures within the district, and formulate a program

1 for public action including the provision of public facilities and the  
2 regulation of private development and demolition necessary to realize these  
3 objectives.

4 (c) The ordinance establishing districts of historical significance  
5 shall set forth standards necessary to preserve the historical character of  
6 the area so designated.

7 (d) The ordinances may designate or authorize any committee,  
8 commission, department or person to designate structures or sites of special  
9 historical significance in accordance with criteria contained in the  
10 ordinance, and no designation shall be made except after a public hearing  
11 ~~upon~~ ON notice of the owners of record of the property so designated. The  
12 ordinances may require that special permission be obtained for any  
13 development respecting the structures or sites.

14 11. Establish age specific community zoning districts in which  
15 residency is restricted to a head of a household or spouse who must be of a  
16 specific age or older and in which minors are prohibited from living in the  
17 home. Age specific community zoning districts shall not be overlaid over  
18 property without the permission of all owners of property included as part of  
19 the district unless all of the property in the district has been developed,  
20 advertised and sold or rented under specific age restrictions. The  
21 establishment of age specific community zoning districts is subject to all of  
22 the public notice requirements and other procedures prescribed by this  
23 article.

24 12. Establish procedures, methods and standards for the transfer of  
25 development rights within its jurisdiction. Any proposed transfer of  
26 development rights from the sending property or to the receiving property  
27 shall be subject to the notice and hearing requirements of section 9-462.04  
28 and shall be subject to the approval and consent of the property owners of  
29 both the sending and receiving property. Before any transfer of development  
30 rights, a municipality shall adopt an ordinance providing for:

31 (a) The issuance and recordation of the instruments necessary to sever  
32 development rights from the sending property and to affix development rights  
33 to the receiving property. These instruments shall be executed by the  
34 affected property owners and lienholders.

35 (b) The preservation of the character of the sending property and  
36 assurance that the prohibitions against the use and development of the  
37 sending property shall bind the landowner and every successor in interest to  
38 the landowner.

39 (c) The severance of transferable development rights from the sending  
40 property and the delayed transfer of development rights to a receiving  
41 property.

42 (d) The purchase, sale, exchange or other conveyance of transferable  
43 development rights prior to the rights being affixed to a receiving property.

44 (e) A system for monitoring the severance, ownership, assignment and  
45 transfer of transferable development rights.

1 (f) The right of a municipality to purchase development rights and to  
2 hold them for resale.

3 (g) The right of a municipality at its discretion to enter into an  
4 intergovernmental agreement with another municipality or a county for the  
5 transfer of development rights between jurisdictions. The transfer shall  
6 comply with this paragraph, except that if the sending property is located in  
7 an unincorporated area of a county, the approval of the development rights to  
8 be sent to a municipality shall comply with section 11-817.

9 B. For the purposes prescribed in subsection A of this section, the  
10 legislative body may divide a municipality, or portion of a municipality,  
11 into zones of the number, shape and area it deems best suited to carry out  
12 the purpose of this article and articles 6, 6.2 and 6.3 of this chapter.

13 C. All zoning regulations shall be uniform for each class or kind of  
14 building or use of land throughout each zone, but the regulations in one type  
15 of zone may differ from those in other types of zones as follows:

16 1. Within individual zones, there may be uses permitted on a  
17 conditional basis under which additional requirements must be met, including  
18 requiring site plan review and approval by the planning agency. The  
19 conditional uses are generally characterized by any of the following:

- 20 (a) Infrequency of use.
- 21 (b) High degree of traffic generation.
- 22 (c) Requirement of large land area.

23 2. Within residential zones, the regulations may permit modifications  
24 to minimum yard lot area and height requirements.

25 D. To carry out the purposes of this article and articles 6 and 6.2 of  
26 this chapter, the legislative body may adopt overlay zoning districts and  
27 regulations applicable to particular buildings, structures and land within  
28 individual zones. For the purposes of this subsection, "overlay zoning  
29 district" means a special zoning district that includes regulations ~~which~~  
30 ~~THAT~~ modify regulations in another zoning district with which the overlay  
31 zoning district is combined. Overlay zoning districts and regulations shall  
32 be adopted pursuant to section 9-462.04.

33 E. The legislative body may approve a change of zone conditioned ~~upon~~  
34 ~~ON~~ a schedule for development of the specific use or uses for which rezoning  
35 is requested. If at the expiration of this period the property has not been  
36 improved for the use for which it was conditionally approved, the legislative  
37 body, after notification by certified mail to the owner and applicant who  
38 requested the rezoning, shall schedule a public hearing to take  
39 administrative action to extend, remove or determine compliance with the  
40 schedule for development or take legislative action to cause the property to  
41 revert to its former zoning classification.

42 F. All zoning and rezoning ordinances or regulations adopted under  
43 this article shall be consistent with and conform to the adopted general plan  
44 of the municipality, if any, as adopted under article 6 of this chapter. In  
45 the case of uncertainty in construing or applying the conformity of any part

1 of a proposed rezoning ordinance to the adopted general plan of the  
2 municipality, the ordinance shall be construed in a manner that will further  
3 the implementation of, and not be contrary to, the goals, policies and  
4 applicable elements of the general plan. A rezoning ordinance conforms with  
5 the land use element of the general plan if it proposes land uses, densities  
6 or intensities within the range of identified uses, densities and intensities  
7 of the land use element of the general plan.

8 G. No regulation or ordinance under this section may prevent or  
9 restrict agricultural composting on farmland that is five or more contiguous  
10 acres and that meets the requirements of this subsection. An agricultural  
11 composting operation shall notify in writing the legislative body of the city  
12 or town and the nearest fire department of the location of the composting  
13 operation. If the nearest fire department is located in a different city or  
14 town from the agricultural composting operation, the agricultural composting  
15 operation shall also notify in writing the fire department of the city or  
16 town in which the operation is located. Agricultural composting is subject  
17 to sections 3-112 and 49-141. Agricultural composting may not be conducted  
18 within one thousand three hundred twenty feet of an existing residential use,  
19 unless the operations are conducted on farmland or land leased in association  
20 with farmland. Any disposal of manure shall comply with section 49-247. For  
21 the purposes of this subsection:

22 1. "Agricultural composting" means the controlled biological  
23 decomposition of organic solid waste under in-vessel anaerobic or aerobic  
24 conditions where all or part of the materials are generated on the farmland  
25 or will be used on the farmland associated with the agricultural composting  
26 operation.

27 2. "Farmland" has the same meaning prescribed in section 3-111 and is  
28 subject to regulation under section 49-247.

29 H. A ZONING ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE MAY NOT ALLOW A  
30 MARIJUANA CULTIVATION FACILITY OR MARIJUANA INFUSION PRODUCTION FACILITY TO  
31 BE LOCATED WITHIN ONE THOUSAND FEET OF AN AREA ZONED FOR RESIDENTIAL USE OR  
32 WITHIN ONE THOUSAND THREE HUNDRED TWENTY FEET OF A PLACE OF WORSHIP OR A  
33 PUBLIC OR PRIVATE SCHOOL OR THE ACCOMPANYING GROUNDS. FOR THE PURPOSES OF  
34 THIS SUBSECTION, MEASUREMENTS SHALL BE MADE FROM THE EXTERIOR WALLS OF THE  
35 BUILDING OR PORTION OF THE BUILDING IN WHICH THE MARIJUANA CULTIVATION OR  
36 MARIJUANA INFUSION PRODUCTION IS CONDUCTED TO THE ZONING BOUNDARY LINE OF AN  
37 AREA ZONED FOR RESIDENTIAL USE OR THE PROPERTY LINE OF A PARCEL THAT CONTAINS  
38 A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE SCHOOL OR THE ACCOMPANYING GROUNDS.

39 ~~H.~~ I. For the purposes of this section:

40 1. "Development rights" means the maximum development that would be  
41 allowed on the sending property under any general or specific plan and local  
42 zoning ordinance of a municipality in effect on the date the municipality  
43 adopts an ordinance pursuant to subsection A, paragraph 12 of this section  
44 respecting the permissible use, area, bulk or height of improvements made to  
45 the lot or parcel. Development rights may be calculated and allocated in

1 accordance with factors including dwelling units, area, floor area, floor  
2 area ratio, height limitations, traffic generation or any other criteria that  
3 will quantify a value for the development rights in a manner that will carry  
4 out the objectives of this section.

5 2. "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY THAT CULTIVATES,  
6 PREPARES OR PACKAGES AND SELLS MARIJUANA TO NONPROFIT MEDICAL MARIJUANA  
7 DISPENSARIES, MARIJUANA INFUSION PRODUCTION FACILITIES AND OTHER MARIJUANA  
8 CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

9 3. "MARIJUANA INFUSION PRODUCTION FACILITY" MEANS AN ENTITY THAT  
10 ACQUIRES, POSSESSES, MANUFACTURES, PREPARES OR PACKAGES AND SELLS MARIJUANA  
11 PRODUCTS BY THE MEANS OF COOKING, BLENDING OR INCORPORATING MARIJUANA INTO  
12 CONSUMABLE, EDIBLE OR TRANSDERMAL PRODUCTS TO NONPROFIT MEDICAL MARIJUANA  
13 DISPENSARIES OR OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

14 ~~2-~~ 4. "Receiving property" means a lot or parcel within which  
15 development rights are increased pursuant to a transfer of development  
16 rights. Receiving property shall be appropriate and suitable for development  
17 and shall be sufficient to accommodate the transferable development rights of  
18 the sending property without substantial adverse environmental, economic or  
19 social impact to the receiving property or to neighboring property.

20 ~~3-~~ 5. "Sending property" means a lot or parcel with special  
21 characteristics, including farmland, woodland, desert land, mountain land,  
22 floodplain, natural habitats, recreation or parkland, including golf course  
23 area, or land that has unique aesthetic, architectural or historic value that  
24 a municipality desires to protect from future development.

25 ~~4-~~ 6. "Transfer of development rights" means the process by which  
26 development rights from a sending property are affixed to one or more  
27 receiving properties.

28 Sec. 2. Subject to the requirements of article IV, part 1, section 1,  
29 Constitution of Arizona, section 11-811, Arizona Revised Statutes, is amended  
30 to read:

31 11-811. Zoning ordinance; zoning districts; prohibition;  
32 definitions

33 A. Pursuant to this article, the board of supervisors may adopt a  
34 zoning ordinance in order to conserve and promote the public health, safety,  
35 convenience and general welfare. The zoning ordinance and all rezonings and  
36 zoning regulations amendments adopted under this article shall be consistent  
37 with and conform to the adopted comprehensive plan. In addition to the other  
38 matters that are required or authorized under this section and article 1 of  
39 this chapter, the zoning ordinance:

40 1. Shall show the zoning districts designated as appropriate for  
41 various classes of residential, business and industrial uses and shall  
42 provide for the establishment of setback lines and other plans providing for  
43 adequate light, air and parking facilities and for expediting traffic within  
44 the districts.

1           2. May establish the percentage of a lot or parcel that may be covered  
2 by buildings and the size of yards, courts and other open spaces.

3           3. Shall consider access to incident solar energy.

4           4. May provide for retirement community zoning districts.

5           5. May provide for the regulation and use of business licenses, adult  
6 oriented business manager permits and adult service provider permits in  
7 conjunction with the establishment or operation of adult oriented businesses  
8 and facilities, including adult arcades, adult bookstores or video stores,  
9 cabarets, adult live entertainment establishments, adult motion picture  
10 theaters, adult theaters, massage establishments and nude model studios.  
11 With respect to cabarets, the ordinance shall not conflict with specific  
12 statutory or valid regulatory requirements applicable to persons licensed to  
13 dispense alcoholic beverages, but the ordinance may include regulation of the  
14 age and conduct of erotic entertainers in a manner at least as restrictive as  
15 rules adopted under title 4. Notwithstanding section 11-812, a county in  
16 regulating or licensing businesses and facilities pursuant to this paragraph  
17 may impose reasonable operating requirements that affect the existing uses of  
18 businesses and facilities.

19           6. Shall designate and zone appropriate areas of reasonable size in  
20 which there may be established with reasonable permanency canneries,  
21 fertilizer plants, refineries, commercial feedlots, meat packing plants,  
22 tallow works and other like businesses. A dairy operation, including areas  
23 designated for the raising of replacement heifers or bulls owned by the same  
24 dairy operation, is not subject to this paragraph, and is a general  
25 agricultural purpose under subsection C, paragraph 2 of this section and  
26 section 11-812, subsection A, paragraph 2. A replacement heifer or bull  
27 raising operation of a dairy that is not on contiguous property of the dairy  
28 is subject to this paragraph unless the operation begins within one-quarter  
29 mile of the dairy.

30           B. To carry out the purposes of this article, the board may adopt  
31 overlay zoning districts and regulations applicable to particular buildings,  
32 structures and land within individual zones. For the purposes of this  
33 subsection, "overlay zoning district" means a special zoning district that  
34 includes regulations that modify regulations in another zoning district with  
35 which the overlay zoning district is combined. Overlay zoning districts and  
36 regulations shall be adopted pursuant to section 11-813. The provisions of  
37 overlay zoning shall apply retroactively to authorize overlay zoning  
38 districts and regulations adopted before April 20, 1993.

39           C. This section does not authorize:

40           1. The imposition of dedications, exactions, fees or other  
41 requirements that are not otherwise authorized by law.

42           2. The regulation or restriction of the use or occupation of land or  
43 improvements for railroad, mining, metallurgical, grazing or general  
44 agricultural purposes, if the tract concerned is five or more contiguous  
45 commercial acres. For the purposes of this paragraph, general agricultural

1 purposes do not include the cultivation of cannabis as defined in section  
2 13-3401 or marijuana as defined in section 13-3401 or 36-2801.

3 D. NOTWITHSTANDING SECTION 11-812, A ZONING ORDINANCE ADOPTED PURSUANT  
4 TO THIS ARTICLE MAY NOT ALLOW A MARIJUANA CULTIVATION FACILITY OR MARIJUANA  
5 INFUSION PRODUCTION FACILITY TO BE LOCATED WITHIN ONE THOUSAND FEET OF AN  
6 AREA ZONED FOR RESIDENTIAL USE OR WITHIN ONE THOUSAND THREE HUNDRED TWENTY  
7 FEET OF A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE SCHOOL OR THE ACCOMPANYING  
8 GROUNDS. FOR THE PURPOSES OF THIS SUBSECTION, MEASUREMENTS SHALL BE MADE  
9 FROM THE EXTERIOR WALLS OF THE BUILDING OR PORTION OF THE BUILDING IN WHICH  
10 THE MARIJUANA CULTIVATION OR MARIJUANA INFUSION PRODUCTION IS CONDUCTED TO  
11 THE ZONING BOUNDARY LINE OF AN AREA ZONED FOR RESIDENTIAL USE OR THE PROPERTY  
12 LINE OF A PARCEL THAT CONTAINS A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE  
13 SCHOOL OR THE ACCOMPANYING GROUNDS.

14 ~~D.~~ E. For the purposes of this section:

15 1. "Adult arcade" means any place to which the public is permitted or  
16 invited and in which coin-operated or slug-operated or electronically,  
17 electrically or mechanically controlled still or motion picture machines,  
18 projectors or other image producing devices are maintained to show images  
19 involving specific sexual activities or specific anatomical areas to persons  
20 in booths or viewing rooms.

21 2. "Adult bookstore or video store" means a commercial establishment  
22 that offers for sale or rent any of the following as one of its principal  
23 business purposes:

24 (a) Books, magazines, periodicals or other printed matter,  
25 photographs, films, motion pictures, videocassettes or reproductions or  
26 slides or other visual representations that depict or describe specific  
27 sexual activities or specific anatomical areas.

28 (b) Instruments, devices or paraphernalia that are designed for use in  
29 connection with specific sexual activities.

30 3. "Adult live entertainment establishment" means an establishment  
31 that features either:

32 (a) Persons who appear in a state of nudity.

33 (b) Live performances that are characterized by the exposure of  
34 specific anatomical areas or specific sexual activities.

35 4. "Adult motion picture theater" means a commercial establishment in  
36 which for any form of consideration films, motion pictures, videocassettes,  
37 slides or other similar photographic reproductions that are characterized by  
38 the depiction or description of specific sexual activities or specific  
39 anatomical areas are predominantly shown.

40 5. "Adult oriented business" means adult arcades, adult bookstores or  
41 video stores, cabarets, adult live entertainment establishments, adult motion  
42 picture theaters, adult theaters, massage establishments that offer adult  
43 service or nude model studios.



1           6. "Adult oriented business manager" means a person on the premises of  
2 an adult oriented business who is authorized to exercise overall operational  
3 control of the business.

4           7. "Adult service" means dancing, serving food or beverages, modeling,  
5 posing, wrestling, singing, reading, talking, listening or other performances  
6 or activities conducted for any consideration in an adult oriented business  
7 by a person who is nude or seminude during all or part of the time that the  
8 person is providing the service.

9           8. "Adult service provider" or "erotic entertainer" means any natural  
10 person who provides an adult service.

11           9. "Adult theater" means a theater, concert hall, auditorium or  
12 similar commercial establishment that predominantly features persons who  
13 appear in a state of nudity or who engage in live performances that are  
14 characterized by the exposure of specific anatomical areas or specific sexual  
15 activities.

16           10. "Cabaret" means an adult oriented business licensed to provide  
17 alcoholic beverages pursuant to title 4, chapter 2, article 1.

18           11. "Discernibly turgid state" means the state of being visibly  
19 swollen, bloated, inflated or distended.

20           12. "MARIJUANA CULTIVATION FACILITY" MEANS AN ENTITY THAT CULTIVATES,  
21 PREPARES OR PACKAGES AND SELLS MARIJUANA TO NONPROFIT MEDICAL MARIJUANA  
22 DISPENSARIES, MARIJUANA INFUSION PRODUCTION FACILITIES AND OTHER MARIJUANA  
23 CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

24           13. "MARIJUANA INFUSION PRODUCTION FACILITY" MEANS AN ENTITY THAT  
25 ACQUIRES, POSSESSES, MANUFACTURES, PREPARES OR PACKAGES AND SELLS MARIJUANA  
26 PRODUCTS BY THE MEANS OF COOKING, BLENDING OR INCORPORATING MARIJUANA INTO  
27 CONSUMABLE, EDIBLE OR TRANSDERMAL PRODUCTS TO NONPROFIT MEDICAL MARIJUANA  
28 DISPENSARIES OR OTHER MARIJUANA CULTIVATION FACILITIES, BUT NOT TO CONSUMERS.

29           ~~12.~~ 14. "Massage establishment" means an establishment in which a  
30 person, firm, association or corporation engages in or permits massage  
31 activities, including any method of pressure on, friction against, stroking,  
32 kneading, rubbing, tapping, pounding, vibrating or stimulating of external  
33 soft parts of the body with the hands or with the aid of any mechanical  
34 apparatus or electrical apparatus or appliance. This paragraph does not  
35 apply to:

36           (a) Persons who are licensed pursuant to title 32, chapter 7, 8, 13,  
37 14 or 17.

38           (b) Registered nurses, licensed practical nurses or technicians who  
39 are acting under the supervision of a physician who is licensed pursuant to  
40 title 32, chapter 13 or 17.

41           (c) Registered nurse practitioners who are licensed pursuant to title  
42 32, chapter 15.

43           (d) Persons who are employed or acting as trainers for a bona fide  
44 amateur, semiprofessional or professional athlete or athletic team.

1 (e) Persons who are licensed pursuant to title 32, chapter 3 or 5 if  
2 the activity is limited to the head, face or neck.

3 ~~13.~~ 15. "Nude model studio" means a place in which a person who  
4 appears in a state of nudity or who displays specific anatomical areas is  
5 observed, sketched, drawn, painted, sculptured, photographed or otherwise  
6 depicted by other persons who pay money or other consideration. Nude model  
7 studio does not include a proprietary school that is licensed by this state,  
8 a college, community college or university that is supported entirely or in  
9 part by taxation, a private college or university that maintains and operates  
10 educational programs in which credits are transferable to a college,  
11 community college or university that is supported entirely or in part by  
12 taxation or a structure to which the following apply:

13 (a) A sign is not visible from the exterior of the structure and no  
14 other advertising appears indicating that a nude person is available for  
15 viewing.

16 (b) A student must enroll at least three days in advance of a class in  
17 order to participate.

18 (c) No more than one nude or seminude model is on the premises at any  
19 time.

20 ~~14.~~ 16. "Nude", "nudity" or "state of nudity" means any of the  
21 following:

22 (a) The appearance of a human anus, genitals or a female breast below  
23 a point immediately above the top of the areola.

24 (b) A state of dress that fails to opaquely cover a human anus,  
25 genitals or a female breast below a point immediately above the top of the  
26 areola.

27 ~~15.~~ 17. "Principal business purposes" means that a commercial  
28 establishment derives fifty ~~per cent~~ PERCENT or more of its gross income from  
29 the sale or rental of items listed in paragraph 2 of this subsection.

30 ~~16.~~ 18. "Seminude" means a state of dress in which clothing covers no  
31 more than the genitals, pubic region and female breast below a point  
32 immediately above the top of the areola, as well as portions of the body that  
33 are covered by supporting straps or devices.

34 ~~17.~~ 19. "Specific anatomical areas" means any of the following:

35 (a) A human anus, genitals, the pubic region or a female breast below  
36 a point immediately above the top of the areola that is less than completely  
37 and opaquely covered.

38 (b) Male genitals in a discernibly turgid state even if completely and  
39 opaquely covered.

40 ~~18.~~ 20. "Specific sexual activities" means any of the following:

41 (a) Human genitals in a state of sexual stimulation or arousal.

42 (b) Sex acts, normal or perverted, actual or simulated, including acts  
43 of human masturbation, sexual intercourse, oral copulation or sodomy.

44 (c) Fondling or other erotic touching of the human genitals, pubic  
45 region, buttocks, anus or female breast.

1 (d) Excretory functions as part of or in connection with any of the  
2 activities under subdivision (a), (b) or (c) of this paragraph.

3 Sec. 3. Requirements for enactment; three-fourths vote

4 Pursuant to article IV, part 1, section 1, Constitution of Arizona,  
5 sections 9-462.01 and 11-811, Arizona Revised Statutes, as amended by this  
6 act, are effective only on the affirmative vote of at least three-fourths of  
7 the members of each house of the legislature.