

Senate Engrossed House Bill

schools; sexually explicit materials; prohibition

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 380

HOUSE BILL 2495

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-120.02; RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 15, chapter 1, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-120.02, to read:
4 15-120.02. Sexually explicit materials; prohibition;
5 exemptions; definition
6 A. EXCEPT AS PRESCRIBED IN SECTION 15-711, A PUBLIC SCHOOL IN THIS
7 STATE MAY NOT REFER STUDENTS TO OR USE ANY SEXUALLY EXPLICIT MATERIAL IN
8 ANY MANNER.
9 B. MATERIALS MAY BE EXEMPTED FROM THE PROVISIONS OF SUBSECTION A IF
10 ALL OF THE FOLLOWING REQUIREMENTS ARE MET:
11 1. THE EXEMPTED MATERIAL POSSESSES SERIOUS EDUCATIONAL VALUE FOR
12 MINORS OR POSSESSES SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC
13 VALUE.
14 2. THE PUBLIC SCHOOL REQUIRES WRITTEN PARENTAL CONSENT BEFORE THE
15 PUBLIC SCHOOL REFERS A STUDENT TO OR USES THE EXEMPTED MATERIAL. THE
16 PUBLIC SCHOOL SHALL REQUIRE PARENTAL CONSENT ON A PER-MATERIAL BASIS.
17 3. THE PUBLIC SCHOOL PROVIDES STUDENTS FOR WHOM PARENTAL CONSENT IS
18 NOT SECURED UNDER PARAGRAPH 2 OF THIS SUBSECTION WITH AN ALTERNATIVE
19 ASSIGNMENT THAT DOES NOT CONTAIN SEXUALLY EXPLICIT MATERIAL.
20 C. FOR THE PURPOSES OF THIS SECTION, "SEXUALLY EXPLICIT MATERIALS"
21 INCLUDES TEXTUAL, VISUAL OR AUDIO MATERIALS OR MATERIALS ACCESSED VIA ANY
22 OTHER MEDIUM THAT DEPICT ANY OF THE FOLLOWING:
23 1. SEXUAL CONDUCT. FOR THE PURPOSES OF THIS PARAGRAPH, "SEXUAL
24 CONDUCT" MEANS ACTS OF MASTURBATION, SEXUAL INTERCOURSE OR PHYSICAL
25 CONTACT WITH A PERSON'S CLOTHED OR UNCLOTHED GENITALS, PUBIC AREA,
26 BUTTOCKS OR, IF SUCH PERSON IS A FEMALE, BREAST.
27 2. SEXUAL EXCITEMENT. FOR THE PURPOSES OF THIS PARAGRAPH, "SEXUAL
28 EXCITEMENT" MEANS THE CONDITION OF HUMAN MALE OR FEMALE GENITALS WHEN IN A
29 STATE OF SEXUAL STIMULATION OR AROUSAL.
30 3. ULTIMATE SEXUAL ACTS. FOR THE PURPOSES OF THIS PARAGRAPH,
31 "ULTIMATE SEXUAL ACTS" MEANS SEXUAL INTERCOURSE, VAGINAL OR ANAL,
32 FELLATIO, CUNNILINGUS, BESTIALITY OR SODOMY. A SEXUAL ACT IS SIMULATED
33 WHEN IT DEPICTS EXPLICIT SEXUAL ACTIVITY THAT GIVES THE APPEARANCE OF
34 CONSUMMATION OF ULTIMATE SEXUAL ACTS.

APPROVED BY THE GOVERNOR JULY 6, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 2022.