



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

VETOED

AMENDED

FACT SHEET FOR S.B. 1696

sexually explicit materials; government; prohibition

Purpose

Prohibits the state, a state agency, city, town or county, or their contractors, from exposing minors to sexually explicit materials. Classifies a sexually explicit material violation as a class 5 felony.

Background

Except for sex education instruction as outlined, a public school may not refer a student to or use any sexually explicit material in any manner unless: 1) the material possesses serious educational value for minors or serious literary, artistic, political or scientific value; and 2) the public school requires written parental consent, on a per-material basis, before referring a student to or using the material. The public school must provide students for whom parental consent is not secured with an alternative assignment that does not contain sexually explicit material ([A.R.S. § 15-120.03](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits the state, a state agency, city, town, county or a political subdivision from exposing minors to sexually explicit materials
2. Requires an office, board or commission or a political subdivision to prohibit its contractors from exposing minors to sexually explicit materials.
3. Prohibits an office, board or commission or political subdivision from using a facility or property owned, leased or managed by a person or entity for filming or facilitating sexually explicit acts.
4. Classifies a violation of the prohibition relating to exposing minors to sexually explicit materials as a class 5 felony.
5. Defines *sexually explicit material* to include textual, visual or audio materials or materials accessed via any other medium that depict:
 - a) *sexual conduct*, defined as acts of masturbation, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast;

- b) *sexual excitement*, defined as the condition of human male or female genitals when in a state of sexual stimulation or arousal; or
- c) *ultimate sexual acts*, defined as sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy.

6. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Expands the prohibition relating to exposing minors to sexually explicit materials to include the state, a state agency, city, town or county.

Governor's Veto Message

The Governor indicates in her [veto message](#) that while she agrees that not all content is appropriate for minors, S.B. 1696 is a poor way to address those concerns.

Senate Action

House Action

GOV	2/16/23	DPA	5-3-0	GOV	3/15/23	DP	5-4-0-0
3 rd Read	3/2/23		16-14-0	3 rd Read	5/15/23		31-27-1-0-1

Vetoed by the Governor on 6/5/23

Prepared by Senate Research
June 6, 2023
AN/slp