

House Engrossed

schools; sexually explicit materials; prohibition

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

# 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 definition  
6 A. A PUBLIC SCHOOL IN THIS STATE MAY NOT REFER STUDENTS TO OR USE  
7 ANY SEXUALLY EXPLICIT MATERIAL IN ANY MANNER.  
8 B. MATERIALS MAY BE EXEMPTED FROM THE PROVISIONS OF SUBSECTION A IF  
9 ALL OF THE FOLLOWING REQUIREMENTS ARE MET:  
10 1. THE EXEMPTED MATERIAL IS ONE OF THE FOLLOWING:  
11 (a) CLASSICAL LITERATURE.  
12 (b) EARLY AMERICAN LITERATURE.  
13 (c) A REQUIRED BOOK FOR A COURSE TO OBTAIN COLLEGE CREDIT.  
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 SHALL PROVIDE STUDENTS FOR WHOM PARENTAL  
18 CONSENT IS NOT SECURED UNDER PARAGRAPH 2 OF THIS SUBSECTION WITH AN  
19 ALTERNATIVE 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.