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ARIZONA STATUTES AND LAWS

This profile provides an overview of sex education laws in Arizona including:

- I. [Navigating Sex Ed Terms](#)
- II. [Parental Rights](#)
- III. [Sex Education Statutes](#)
- IV. [Consent Laws](#)
- V. [Obscenity Statutes](#)

I. NAVIGATING SEX ED TERMS

LEGISLATIVE REQUIREMENTS	YES	NO	NOT INDICATED	LEGISLATIVE CODES
Sex education required		X		
Sex education optional	X			15-102 , 15-711
If/When Provided, Sexual Education Must/May:				
Be medically accurate	X			15-716
Be evidence based			X	
Be age appropriate	X			15-113 , 15-716
Be culturally appropriate and unbiased			X	
Reference/stress abstinence*	X			15-716
Include HIV/AIDS education	X			15-716
Be LGBTQ inclusive		X		15-716
Include safety against sexual abuse	X			15-716
Parental Role in Sexual Education:				
Parents must have advanced notification	X			15-102 , 15-716
Parental involvement	X			15-102 , 15-351
Opt-in	X			15-113 , 15-102
Opt-out/withdraw	X			15-102 , 15-716
Access to/review curriculum	X			15-102 , 15-113 , 15-730
Right to inspect policy	X			15-102
<p>*Warning: While statutes might say “abstinence based” or require materials to “stress abstinence” as the standard, many CSE programs 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. What should I know about navigating sex ed terms?</p>				

II. Parental Rights Laws

How can I utilize [parental rights laws](#)?

15-102. Parental involvement in the school; definition

The governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including:

- Procedures by which **parents may learn about the course of study** for their children and review learning materials, including the source of any supplemental educational materials.
- Procedures by which **parents** who object to any learning material or activity on the basis that it is harmful **may withdraw** their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that it is harmful includes objection to a material or activity because it **questions beliefs or practices in sex, morality or religion.**
- If a school district offers any sex education curricula pursuant to section [15-711](#) or [15-716](#) or pursuant to any rules adopted by the state board of education, procedures to prohibit a school district from providing sex education instruction to a pupil unless the **pupil's parent provides written permission** for the child to participate in the sex education curricula.
- Procedures by which parents will be **notified in advance** of and given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula.
- Procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.
- Procedures by which parents may **learn about parental rights** and responsibilities under the laws of this state, including the following:
 - The **right to opt in** to a sex education curriculum if one is provided by the school district.
 - The **right to opt out** of assignments pursuant to this section.
 - The right to opt out of immunizations pursuant to section 15-873.
 - The **right to opt out** of instruction on the **acquired immune deficiency syndrome** pursuant to section [15-716](#).
 - The **right to access** instructional materials pursuant to section [15-730](#).
 - The **right to public review** of courses of study and textbooks pursuant to sections [15-721.F2](#) and [15-722.B](#).
 - The **right to be excused** from school attendance for religious purposes pursuant to section [15-806](#).
 - Policies related to **parental involvement** pursuant to this section.
 - The **right to seek membership** on school councils pursuant to section [15-351](#).

2. The policy adopted by the governing board pursuant to this section may also include the following components:

- A plan by which parents will be made aware of the district’s parental involvement policy and this section, including:
 - Rights under the **family educational rights** and privacy act of 1974 (20 United States Code section 1232g) relating to access to children’s official records.
 - The **parent’s right to inspect** the school district policies and curriculum.
- Efforts to encourage access to community and support services for children and families.
- The **promotion of communication** between the school and parents concerning school programs and the academic progress of the parents’ children.
- Identifying opportunities for parents to participate in and support classroom instruction at the school.
- Efforts to support, with appropriate training, **parents as shared decision-makers** and to encourage membership on school councils.
- The recognition of the diversity of parents and the development of guidelines that promote widespread parental **participation and involvement** in the school at various levels.
- The development of preparation programs and specialized courses for certificated employees and administrators that promote parental involvement.
- The development of strategies and programmatic structures at schools to encourage and enable **parents to participate** actively in their children’s education.

3. The governing board may adopt a **policy to provide to parents the information** required by this section in an electronic form.

4. A **parent shall submit a written request** for information pursuant to this section during regular business hours to either the school principal at the school site or the superintendent of the school district at the office of the school district. Within ten days after receiving the request for information, the school principal or the superintendent of the school district shall either deliver the requested information to the parent or submit to the parent a written explanation of the reasons for the denial of the requested information. If the request for information is denied or the parent does not receive the requested information within fifteen days after submitting the request for information, the parent may submit a written request for the information to the school district governing board, which shall formally consider the request at the next scheduled public meeting of the governing board if the request can be properly noticed on the agenda. If the request cannot be properly noticed on the agenda, the governing board shall formally consider the request at the next subsequent public meeting of the governing board.

5. For the purposes of this section, “parent” means the natural or adoptive parent or legal guardian of a minor child.

15-113. Rights of parents; public educational institutions; definitions

A. A parent of a student in a public educational institution has the **right to review** learning materials and activities in advance. A parent who objects to any learning material or activity on the basis that the material or activity is harmful may request to withdraw that student from the activity or from the class or program in which the material is used and request an alternative assignment.

B. A charter school may require parents to waive the right to object to learning materials or activities pursuant to subsection A as a condition of enrollment if the charter school provides a complete list of books and materials to be used each school year before the student enrolls. If the charter school introduces books or materials that were not disclosed prior to enrollment, the **parent retains the right to object** to those materials pursuant to subsection A.

C. A charter school may require that any request to review learning materials or activities or to **withdraw the student** from learning materials or activities pursuant to subsection A be **made in writing**.

D. A public educational institution shall obtain signed, **written consent from a student's parent** or guardian before using video, audio or electronic materials that may be **inappropriate for the** age of the student.

E. For the purposes of this section:

1. "Objects to any learning material or activity on the basis that it is harmful" means objections to a material or activity because of sexual content, violent content, or profane or vulgar language.

2. "Public educational institution" means any of the following:

(a) A school district, including its schools.

(b) A charter school.

(c) An accommodation school.

(d) The Arizona state schools for the deaf and the blind.

15-730. Access to instructional material by parents and guardians

On written request, school personnel designated by the governing board shall **permit parents or guardians access** to instructional materials currently used by or being considered for use by the school district by making available at least one copy of the instructional material for review by the parents or guardians. Parents or guardians may take printed textbooks, printed supplementary books and printed subject matter materials from the school district premises for a period of not more than forty-eight hours. Parents or guardians may review all other materials, including films, only on the school district premises.

15-721. Common schools; course of study; textbooks; definition

F. The governing board shall:

1. (Blank)
2. Require that all meetings of committees authorized for the purposes of textbook review and selection be **open to the public** as prescribed in title 38, chapter 3, article 3.1.

15-351. School councils; duties; membership

A. The purpose of this section is to ensure that individuals who are affected by the outcome of a decision at the school site share in the decision making process.

B. Each school shall establish a school council. A governing board may delegate to a school council the responsibility to develop a curriculum and may delegate any additional powers that are reasonably necessary to accomplish decentralization. The school council shall take into consideration the ethnic composition of the local community and, except as provided in section 15-352, shall consist of the following members:

1. **Parents or guardians of pupils** enrolled in the school. A parent or guardian who is employed by the school district may serve as a member of the school council if the parent or guardian is not employed at the same school where the parent or guardian's child is enrolled.
2. Teachers.
3. Noncertified employees.
4. Community members.
5. **Pupils**, if the school is a high school.
6. The principal of the school.

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III. Sex Education Laws

What should I know about [sex education laws](#)?

15-716. Instruction on acquired immune deficiency syndrome; department assistance

A. Each common, high and unified school district **may** provide instruction to kindergarten programs through the twelfth grade on **acquired immune deficiency syndrome** and the **human immunodeficiency virus**.

B. Each district is free to develop its own course of study for each grade. At a minimum, instruction shall:

1. **Be appropriate to the grade level in which it is offered.**
2. **Be medically accurate.**
3. **Promote abstinence.**
4. Discourage drug abuse.
5. Dispel myths regarding transmission of the human immunodeficiency virus.

C. **No district shall** include in its course of study instruction which:

1. **Promotes a homosexual life-style.**
2. **Portrays homosexuality as a positive alternative life-style.**
3. **Suggests that some methods of sex are safe methods of homosexual sex.**

D. At the request of a school district, the department of health services or the department of education shall review instruction materials to determine their **medical accuracy**.

E. At the request of a school district, the department of education shall provide the following assistance:

1. A suggested course of study.
2. Teacher training.
3. A list of available films and other teaching aids.

F. **At the request of a parent, a pupil shall be excused from instruction on the acquired immune deficiency syndrome and the human immunodeficiency virus** as provided in subsection A of this section. The school district shall notify all parents of their ability to withdraw their child from the instruction.

15-711. Sex education curricula; sexual conduct with a minor

All school districts with existing sex education curricula shall include instruction on the laws relating to sexual conduct with a minor for pupils in grades seven, eight, nine, ten, eleven and twelve. Each school district may develop its own course of study to meet the requirements of this section.

15-721. Common schools; course of study; textbooks; definition

- 2. Require that all meetings of committees authorized for the purposes of textbook review and selection be open to the public as prescribed in title 38, chapter 3, article 3.1.
- 3. Make available at the school district office for review by the public, for a period of sixty days prior to formal selection of textbooks, a copy of each textbook that is being considered for selection.

IV. Consent Laws

- [Age of Consent](#) – Based on Arizona Statute [13-1405](#), the age when children can legally consent or agree to sex is 18
- [Age of Majority](#) – Based on Arizona Statute [1-215.19](#), anyone under the age of 18 is considered a minor, while those 18 years old and older are considered adults.
- **Without notifying or receiving consent from their parents**, minor children in Arizona may consent to and receive all contraceptive services and all STI (sexually transmitted infection) services without parental notification or consent.
- **Parental consent** is required for Abortion services

[13-1413](#). Capacity of minor sexual assault victim to consent to medical examination

Notwithstanding any other provision of the law, when it is not possible to contact the parents or legal guardian within the short time span in which the examination should be conducted a minor twelve years of age or older alleged to be the victim of a violation of section 13-1406 may give consent to hospital, medical and surgical examination, diagnosis and care in connection with such violation. Such consent shall not be subject to incapacity because of the victim's age. The consent of the parent, parents or legal guardian of such minor shall not be necessary to authorize such hospital, medical and surgical examination, diagnosis and care, and such parent, parents or legal guardian shall not be liable for payment for any services rendered pursuant to this section.

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V. Obscenity Statutes

How can I utilize [Obscenity laws](#)?

Arizona recodified its criminal law based in part on the ALI-MPC in 1978.

[13-3501](#). Definitions

In this chapter, unless the context otherwise requires:

1. "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual activity, sexual conduct, sexual excitement, or sadomasochistic abuse, when both:

(a) To the average adult applying contemporary state standards with respect to what is suitable for minors, it both:

(i) Appeals to the prurient interest, when taken as a whole. In order for an item as a whole to be found or intended to have an appeal to the prurient interest, it is not necessary that the item be successful in arousing or exciting any particular form of prurient interest either in the hypothetical average person, in a member of its intended and probable recipient group or in the trier of fact.

(ii) Portrays the description or representation in a patently offensive way.

(b) Taken as a whole does not have serious literary, artistic, political, or scientific value for minors.

2. "Item" means any material or performance which depicts or describes sexual activity and includes any book, leaflet, pamphlet, magazine, booklet, picture, drawing, photograph, film, negative, slide, motion picture, figure, object, article, novelty device, recording, transcription, live or recorded telephone message or other similar items whether tangible or intangible and including any performance, exhibition, transmission or dissemination of any of the above. An item also includes a live performance or exhibition which depicts sexual activity to the public or an audience of one or more persons. An item is obscene within the meaning of this chapter when all of the following apply:

(a) The average person, applying contemporary state standards, would find that the item, taken as a whole, appeals to the prurient interest. In order for an item as a whole to be found or intended to have an appeal to the prurient interest, it is not necessary that the item be successful in arousing or exciting any particular form of prurient interest either in the hypothetical average person, in a member of its intended and probable recipient group or in the trier of fact.

(b) The average person, applying contemporary state standards, would find that the item depicts or describes, in a patently offensive way, sexual activity as that term is described in this section.

(c) The item, taken as a whole, lacks serious literary, artistic, political or scientific value.

3. "Knowledge of the character" means having general knowledge or awareness, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of that which is reasonably susceptible to examination by the defendant both:

(a) That the item contains, depicts or describes nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse, whichever is applicable, whether or not there is actual knowledge of the specific contents thereof. This knowledge can be proven by direct or circumstantial evidence, or both.

(b) If relevant to a prosecution for violating section 13-3506, 13-3506.01 or 13-3507, the age of the minor, provided that an honest mistake shall constitute an excuse from liability under this chapter if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

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

5. "Sadomasochistic 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 so clothed, for the purpose or in the context of sexual gratification or abuse.

6. "Sexual activity" means:

(a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated.

(b) Patently offensive representations or descriptions of masturbation, excretory functions, sadomasochistic abuse and lewd exhibition of the genitals.

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

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

9. "Ultimate sexual acts" means sexual intercourse, vaginal or anal, fellatio, cunnilingus, bestiality or sodomy. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of consummation of ultimate sexual acts.

13-3506. Furnishing harmful items to minors; applicability; classification

A. It is unlawful for any person, with knowledge of the character of the item involved, to recklessly furnish, present, provide, make available, give, lend, show, advertise or distribute to minors any item that is harmful to minors.

13-3506.01. Furnishing harmful items to minors; internet activity; classification; definitions

A. It is unlawful for any person, with knowledge of the character of the item involved, to intentionally or knowingly transmit or send to a minor by means of electronic mail, personal messaging or any other direct internet communication an item that is harmful to minors when the person knows or believes at the time of the transmission that a minor in this state will receive the item.

B. This section does not apply to:

1. Posting material on an internet web site, bulletin board or newsgroup.
2. Sending material via a mailing list or listserv that is not administered by the sender. For the purposes of this paragraph, "mailing list" or "listserv" means a method of internet communication where a

message is sent to an internet address and then is retransmitted to one or more subscribers to the mailing list or listserv.

[13-3507](#). **Public display of explicit sexual materials; classification; definitions**

A. It is unlawful for any person knowingly to place explicit **sexual material** upon public display, or knowingly to fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence.

B. A person who violates any provision of this section is guilty of a class 6 felony.

C. For the purposes of this section:

1. "**Explicit sexual material**" means any drawing, photograph, film negative, motion picture, figure, object, novelty device, recording, transcription or any book, leaflet, pamphlet, magazine, booklet or other item, the cover or contents of which depicts human genitalia or depicts or verbally describes nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is harmful to minors. Explicit sexual material does not include any depiction or description which, taken in context, possesses serious educational value for minors or which possesses serious literary, artistic, political or scientific value.

2. "Public display" means the placing of material on or in a billboard, viewing screen, theater marquee, newsstand, display rack, vending machine, window, showcase, display case or similar place so that material within the definition of paragraph 1 of this subsection is easily visible or readily accessible from a public thoroughfare, from the property of others, or in any place where minors are invited as part of the general public.

[13-3509](#). **Duty to report; classification**

A. A person who is asked to record, film, photograph, develop or duplicate any visual or print medium **depicting sexual activity**, whether or not the person would be compensated, shall immediately report, or cause a report to be made of, such request to a municipal or county peace officer. The report shall include the name or names of the person, persons or business making the request, if known, and shall describe what was requested.

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