



VOTE NO ON SB 125

Senate Bill 125 (Harvey, Stephens) creates statutory definitions for “nudity” and “sexual activity,” and makes it a Class 2 misdemeanor for any individual to knowingly distribute material depicting nudity and/or sexual activity, as so defined, to a minor. Creates affirmative defenses if the accused individual is a parent; if the accused asked for and received documentation indicating the receiving individual was at least 18 years of age; if the accused received the prior consent of a parent or legal guardian; or if the accused is a teacher in a school or school district or substitute teacher administering required duties regarding educational content.

BILL SUMMARY

- Prohibits anyone from giving a minor materials that includes information about human sexuality, including depictions of human anatomy.
- Excludes materials that a “reasonable adult person” would determine provides “serious” literary, artistic, political, or scientific value.
- Establishes a Class 2 misdemeanor for failure to comply with the statute.
- Outlines allowable affirmative defenses.

FACTS ABOUT SB 125

- ***SB 125 would allow charges to be filed against private institutions or individuals who provide comprehensive, scientifically and medically accurate sex education outside of the classroom.*** The bill carves out an affirmative defense for teachers in schools or school districts, but does not recognize that information about sexuality and anatomy is delivered in private institutions outside of the classroom.
- ***This bill would severely restrict the ability of doctors, nurses, and other health professionals to provide medically accurate information to prevent the spread of sexually transmitted infections or to prevent unintended pregnancy.*** Licensed, trained physicians, nurses, advanced practice nurses, and other medical professionals often use anatomically correct visual aids in poster form, life-size models, and handouts. These devices are used to help educate patients, including minors, about the reproductive process, such as ways to prevent unintended pregnancy and to prevent the spread of HIV/AIDS and other sexually transmitted infections.
- ***This overly broad statute could have severe impacts on public health.*** Medical professionals use visual aids and life-size models to educate patients about prostate, breast, and ovarian cancer; urinary tract and other vaginal infections; and other medical conditions that affect the reproductive organs.
- ***This bill could result in misdemeanor charges for curious youth.*** SB 125 is so broadly written that minors who access materials that depict nudity and/or sexual activity and share that material with their peers could be charged with a misdemeanor crime.

PLEASE VOTE NO ON SB 125