

B. Arizona

In 1991, the Arizona legislature enacted a law entitled "Instruction on acquired immune deficiency syndrome; department assistance."⁴² The statute requires that information provided in public school sex education be medically accurate and that it promote abstinence.⁴³ Course materials are supposed to "dispel myths regarding transmission of the human immunodeficiency virus."⁴⁴ The statute further mandates:

- 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.⁴⁵

Here, again, we see homosexuality referred to as a "life-style."⁴⁶ The notion of homosexuality as a choice, and an inferior one, is conveyed clearly by the term "alternative life-style" and by the legislature's determination that such a "life-style" cannot be depicted as "positive."⁴⁷ As with the Alabama sex education statute,⁴⁸ the Arizona law makes no attempt to disguise its topic; it refers specifically and intentionally to homosexuality.⁴⁹ However, Arizona's version, rather than being a requirement, is a prohibition. It does not demand that teachers say anything, provided they refrain from saying certain things.⁵⁰ The wording of the statute indicates that Arizona legislators took the spirit of "no promo homo" literally. It is worth noting that the law does not preclude all discussion of homosexuality. A teacher who chose to denigrate the "homosexual life-style" or who chose to depict homosexuality as a negative "alternative life-style" would be safely within the confines of this law."

Unlike the Alabama statute that covers many aspects of sex education,⁵² the Arizona law purports to address, specifically, AIDS education. It demands that the information provided to students be "medically accurate" and "dispel myths" about HIV.⁵³ It is difficult to reconcile these instructions with the command to avoid indicating "that some methods of sex are safe methods of homosexual sex."⁵⁴ Including no promo homo elements in an AIDS education statute effectively mandates the spread of misinformation and the perpetuation of stigmas.

The Arizona statute does not require teachers to instruct their students on the criminality of homosexual conduct. Arizona repealed its sodomy law in 2001.⁵⁵ The provision stated: "A person who knowingly and without force commits the infamous crime against nature with an adult is guilty of a class 3 misdemeanor."⁵⁶ The repeal was signed by then-Governor Jane Hull, who wrote, "Keeping archaic laws on the books does not promote high moral standards; instead, it teaches the lesson that laws are made to be broken."⁵⁷

Legislators in Arizona appear to prefer this proactive approach. In 2011, a proposed amendment to the AIDS education statute, entitled "Instruction on sexually transmitted infections; department assistance; definition," was introduced in the Arizona senate.⁵⁸ The bill, which did not get past its introduction, was sponsored by six senators.⁵⁹ The text began by changing the course of instruction from permissive to compulsory: "Each common, high and unified school district may shall provide instruction. . . ." ⁶⁰ It proposed to expand the emphasis of instruction to all sexually transmitted infections, not only HIV/AIDS.⁶¹ It defined standards for "medically accurate" information, requiring compliance with industry methods, peer-review, and acceptance by relevant experts.⁶² The proposed amendment also deleted the entire no promo homo portion of § 15-716. The six Arizona senators who introduced the bill appeared to suggest that health education can and must be provided to all students without bias, judgment, or categorization.⁶³

42. Ariz. Rev. Stat. Ann. § 15-716 (West 2012).

43. Id. § 15-716(B)(2)-(3).

44. M § 15-716(B)(5).

45. Id. § 15-716(C).

46. *Id.*; see also Ala. Code § 16-40A-2(c)(8) (West 2012).
47. Ariz. Rev. Stat. Ann. § 15-716(C) (West 2012).
48. Ala. Code § 16-40A-2(C)(8) (West 2012).
49. Ariz. Rev. Stat. Ann. § 15-716(C) (West 2012).
50. *Id.*
51. See *id.*
52. Ala. Code § 16-40A-2 (West 2012). See *supra* notes 23-27 and accompanying text.
53. Ariz. Rev. Stat. Ann. § 15-716(B)(2), (5) (West 2012).
54. *Id.* § 15-716(C)(3). Although it is important to avoid suggesting that HIV/AIDS is "a gay man's disease," it is likewise folly to ignore the importance of condom education for sexual minority youth. See Condoms and HIV Prevention: Position Statement by UNAIDS, UNFPA, and WHO, UNAIDS (March 19, 2009), http://www.unaids.org/en/Resources/PressCentre/Featurestories/2009/March/20090319prev_entionposition/ ("Effective condom promotion targets not only the general population, but also people at higher risk of HIV exposure, especially [several other high-risk groups] and men who have sex with men.").
55. The Equity Act of 2001, ch. 382, 2001 Ariz. Legis. Serv. (West).
56. Ariz. Rev. Stat. Ann. § 13-1411 (repealed 2001).
57. Barbara Dozeots, Arizona Repeals Sodomy Laws, Sodomy laws (May 9, 2011), <http://www.glapn.org/sodomylaws/usa/arizona/aznews24.htm>.
58. S.B. 1457, 50th Leg., 1st Reg. Sess. (Ariz. 2011).
59. *Id.*
60. Compare *id.*, with Ariz. Rev. Stat. Ann. § 15-716(A) (West 2012).
61. Compare Ariz. S.B. 1457, with Ariz. Rev. Stat. Ann. § 15-716(A), (B)(5) (West 2012).
62. Ariz. S.B. 1457, revised § F.
63. See *id.* (requiring all school districts to provide "sex education that is medically accurate and comprehensive").