

**DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO MINORS
(EXCERPT)
Act 33 of 1978**

722.676 Persons excepted from MCL 722.675.

Sec. 6.

Section 5 does not apply to the dissemination of sexually explicit matter to a minor by any of the following:

- (a) A parent or guardian who disseminates sexually explicit matter to his or her child or ward unless the dissemination is for the sexual gratification of the parent or guardian.
- (b) A teacher or administrator at a public or private elementary or secondary school that complies with the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, and who disseminates sexually explicit matter to a student as part of a school program permitted by law.
- (c) A licensed physician or licensed psychologist who disseminates sexually explicit matter in the treatment of a patient.
- (d) A librarian employed by a library of a public or private elementary or secondary school that complies with the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or employed by a public library, who disseminates sexually explicit matter in the course of that person's employment.
- (e) Any public or private college or university or any other person who disseminates sexually explicit matter for a legitimate medical, scientific, governmental, or judicial purpose.
- (f) A person who disseminates sexually explicit matter that is a public document, publication, record, or other material issued by a state, local, or federal official, department, board, commission, agency, or other governmental entity, or an accurate republication of such a public document, publication, record, or other material.

History: 1978, Act 33, Eff. June 1, 1978 ;-- Am. 1999, Act 33, Eff. Aug. 1, 1999 ;-- Am. 2003, Act 192, Eff. Jan. 1, 2004 ;-- Am. 2005, Act 245, Eff. Feb. 1, 2006

Constitutionality: Act 33 of 1999 violates the First Amendment and the Dormant Commerce Clause of the US Constitution. Defendants are permanently restrained and enjoined from enforcing any provisions of 1999 PA 33. *Cyberspace Communications, Inc v Engler*, 142 F Supp 2d 827 (ED Mich, 2001).