



MOTION PICTURE ASSOCIATION

February 5, 2026

Assembly Committee on Children and Families

Re: Opposition - AB 961 Warning Labels for Explicit Content

Dear Chairman Snyder and Committee Members:

The Motion Picture Association (MPA)¹ respectfully submits this letter in opposition to Assembly Bill 961 (the Bill), which mandates labeling for “explicit content.” The term “explicit content” is broadly defined to include any material (be it visual, written, or auditory) that is “intended for an adult audience,” “lacks serious literary, artistic, political, or scientific value,” and which “depicts or describes sexual conduct in a patently offensive way.” The Bill imposes extensive labeling requirements for all such content and creates civil penalties and provides for a private right of action for violations of the act. Taken together, this is an overbroad restriction on protected speech.

As currently drafted, the term “explicit content” is too broad, and (importantly) expanding beyond what is considered obscene under the Miller test, *see Miller v. California*, 413 U.S. 15 (1973). While restrictions on obscene material are generally appropriate, other kinds of speech are subject to heightened protections. In this Bill, the term “explicit content” appears to apply to a potentially broad array of content that is fully protected by the First Amendment. Compelling warning labels on this type of protected speech thus runs afoul of the First Amendment in multiple ways.

Additionally, by veering away from well-established definitions like those already in Wisconsin law concerning obscenity, *see Wis. Stat. § 944.21(2)(c)*, the vague definition in the Bill risks chilling speech, as it will not be clear what speech is intended to be covered by the disclosure requirements.

In light of these concerns, MPA urges the Committee to reject AB 961. We would welcome the opportunity to provide additional input about the Bill, and provide amendments that would incorporate critical First Amendment protections into the Bill if the legislature wishes to move forward. Legislators and their staff seeking additional information may contact Arlen Valdivia at arlen_valdivia@motionpictures.org or Kyle Christianson at christianson@wimmerandco.net.

Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Valdivia', written over a light blue horizontal line.

Arlen Valdivia

Vice President, State Government Affairs
Motion Picture Association

¹ The MPA serves as the global voice and advocate of the motion picture, television, and streaming industries. It works in every corner of the globe to advance the creative industry, protect its members’ content across all screens, defend the creative and artistic freedoms of storytellers, and support innovative distribution models that expand viewing choices for audiences around the world. The MPA’s member studios are Netflix Studios, LLC; Paramount Pictures Corporation; Prime Amazon MGM Studios; Sony Pictures Entertainment Inc.; Universal City Studios LLC; Walt Disney Studios Motion Pictures; and Warner Bros. Entertainment, Inc.