

SENATE BILL NO. 7

BY SENATOR CLOUD AND REPRESENTATIVES AMEDEE, EMERSON,
GAROFALO, GEYMAN, CHARLES OWEN AND TARVER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact R.S. 25:225, relative to libraries; to provide relative to the adoption of certain library policies; to provide relative to a minor's access to sexually explicit materials; to provide for immunity; to provide relative to payments of certain expenses by governing authorities and consideration of certain applications by the State Bond Commission; to provide for definitions, terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:225 is hereby enacted to read as follows:

§225. Library policy; definitions; minor's access to sexually explicit materials; immunity; penalties

A. The legislature recognizes the fundamental right of parents to make decisions as to the care, custody, and control of their children. This fundamental right includes the right to decide the upbringing and education of children under their control. Parents have the right to guide and direct the reading, listening, and viewing choices of their minor children. Many libraries lack adequate policies addressing the access of minors to sexually explicit materials. In furtherance of this fundamental right, it is the intent of the legislature to require libraries to adopt and implement policy language to limit the access of minors to sexually explicit materials.

B. As used in this Section, the following terms shall have the following meanings:

(1) "Digital content" means any book, e-book, audiobook, video book, essay, newspaper, magazine, film, or any other library material that is provided in a digital format.

1 (2) "Library patron" means a person residing in the parish in which the
2 parish or municipal library is located who has reached the age of majority and
3 who holds a library card from the library.

4 (3) "Sexual conduct" means any of the following:

5 (a) Masturbation or lewd exhibition, actual, simulated, or animated, of
6 the genitals, pubic hair, anus, vulva, or female breast nipples.

7 (b) Sadoomasochistic abuse, meaning actual, simulated, or animated,
8 flagellation, or torture by or upon a person who is nude or clad in
9 undergarments or in a costume that reveals the pubic hair, anus, vulva, genitals,
10 or female breast nipples, or in the condition of being fettered, bound, or
11 otherwise physically restrained, on the part of one so clothed.

12 (c) Actual, simulated, or animated touching, caressing, or fondling of, or
13 other similar physical contact with a pubic area, anus, female breast nipple,
14 covered or exposed, whether alone or between humans, animals, or a human
15 and an animal, of the same or opposite sex, in an act of apparent sexual
16 stimulation or gratification.

17 (d) Actual, simulated, or animated stimulation of a human genital organ
18 by any device whether or not the device is designed, manufactured, or marketed
19 for that purpose.

20 (e) Actual, simulated, or animated ultimate sexual acts, whether between
21 human beings, animals, or a human being and an animal.

22 (4) "Sexually explicit material" means textual, visual, or audio material,
23 produced in any medium, that depicts or describes sexual conduct.

24 C.(1) No later than January 1, 2024, each library established pursuant
25 to the provisions of this Part or pursuant to the authority of a home rule charter
26 as provided in Article VI, Section 5 of the Constitution of Louisiana shall adopt
27 a policy to limit the access of minors to sexually explicit material. No later than
28 June 1, 2024, each library shall implement the adopted policy.

29 (2) The policy shall include, at a minimum, all of the following:

30 (a) A requirement that community standards for the population served

1 by the library be considered when acquiring library material that would be
2 accessible to a minor through donation or purchase. However, nothing in this
3 Section shall limit the acquisition of material by a library that implements the
4 system provided for in Subparagraph (b) of this Paragraph.

5 (b) A library card system that requires a minor's parent or guardian to
6 select whether the minor is permitted to check out sexually explicit material
7 physically available in the library. The provision of this Subparagraph shall be
8 satisfied by either of the following:

9 (i) A library card that restricts a minor from checking out any library
10 material in a collection that the library board of control has, through majority
11 vote in an open meeting, identified as containing sexually explicit material
12 pursuant to a request for reconsideration.

13 (ii) A library card that restricts a minor from checking out any library
14 material that the library board of control has, through majority vote in an open
15 meeting, identified as sexually explicit material pursuant to a request for
16 reconsideration.

17 (c) A library card system that requires a minor's parent or guardian to
18 select whether the minor is permitted to check out digital content. The library
19 shall list in the library's policy each digital content source accessible by a minor
20 that contains library material accessible for checkout that the library board of
21 control has, through majority vote in an open meeting, identified as sexually
22 explicit material pursuant to a request for reconsideration.

23 (d) A procedure that allows a library patron to request the
24 reconsideration of whether a library material should be included in a library
25 collection accessible to a minor. The procedure shall, at a minimum, include all
26 of the following items:

27 (i) A process to review a reconsideration request made by a library
28 patron. The review process shall include but is not limited to a written
29 determination approving or denying the request, notification to the library
30 patron making the request of the written determination, and the process to

1 appeal the determination to the library board of control.

2 (ii) A requirement that a request for reconsideration of a library
3 material that may include sexually explicit material be reviewed by the library
4 board of control. The library board of control shall determine whether the
5 library material meets the definition of sexually explicit material by majority
6 vote in an open meeting.

7 (3) The adoption of the policy required by this Subsection may be by
8 amendment to an existing library policy. The policy required by this Subsection
9 may adopt the definitions in Subsection B of this Section by reference.

10 D. Nothing in this Section shall be construed to impose liability on an
11 employee or agent of a library or a member of the library board of control.

12 E. (1) The governing authority of a parish or municipality with a library
13 that fails to adopt and implement a policy required by Subsection C of this
14 Section may withhold, during the period of noncompliance, the payments
15 required by R.S. 25:220. The governing authority shall provide the library
16 board of control sixty days' written notice prior to withholding any payments
17 pursuant to this Paragraph.

18 (2) The State Bond Commission shall not consider any application
19 authorizing the incurrence of debt or any application authorizing the levy of
20 any tax where the proceeds of the debt or tax directly benefit a library that fails
21 to adopt and implement the policy required by Subsection C of this Section until
22 the library adopts and implements the policy.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____