

HB 1238 -- LIBRARY FUNDS

SPONSOR: Hudson

This bill clarifies that certain funds can be used for the maintenance and repair of library facilities.

This bill also directs the State Librarian to deny disbursement of any state or federal grants, appropriations, or other public or private funds to an academic library, institutional library, library consortium, public library, school library, or special library unless such library certifies in writing that:

(1) The library has adopted a written, publicly accessible collection policy that addresses how selections are made, with particular attention to the appropriateness for the age and maturity level of any person less than 18 years of age who accesses any material in any form;

(2) Funds shall not be used to purchase or acquire material that constitutes child pornography, is pornographic for minors, and is obscene;

(3) The library has adopted a written, publicly accessible policy allowing a minor's parent or guardian to determine what materials and access will be available to such minor, and no person employed by or acting on behalf of the library shall knowingly grant to a minor access to any material in any form not approved by such minor's parent or guardian;

(4) No age-inappropriate materials in any form, as defined in the library's collection development policy, shall be knowingly displayed in the library areas designated by the library as containing materials predominantly for minors;

(5) No event or presentation shall be held at the library without an age-appropriate designation affixed to any publication, website, or advertisement for such event or presentation; and

(6) The library adopts a written, publicly accessible library materials challenge policy by which any person may dispute or challenge the library's age-appropriate designation, and the results of any such dispute or challenge shall be disclosed to the public and published on the library's website.

Any political subdivision or person employed by a political subdivision that knowingly violates the provisions of this bill shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject to a

civil penalty of \$500 per occurrence. In such actions, the court may award the pursuing party reasonable attorney fees and costs, and sovereign immunity shall not be an affirmative defense.

This bill is the same as HB 1159 (2023).