

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1205

Introduced by

Representatives Lefor, Steiner

1 A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota
2 Century Code, relating to prohibiting public libraries from maintaining explicit sexual material; to
3 provide for a legislative management report; and to provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 12.1-27.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Public libraries prohibited from maintaining explicit sexual material - Report.**

8 1. As used in this section:

- 9 a. "Explicit sexual material" does not include works of art that, when taken as a
10 whole, have serious artistic significance, or works of anthropological significance,
11 or materials used in science courses, including materials used in biology,
12 anatomy, physiology, or sexual education classes. The term means any pictorial,
13 three-dimensional, or visual depiction, including any photography, picture,
14 computer video, or computer-generated image, showing:
- 15 (1) Human masturbation;
 - 16 (2) Deviant sexual intercourse;
 - 17 (3) Sexual intercourse;
 - 18 (4) Direct physical stimulation of genitals;
 - 19 (5) Sadomasochistic abuse;
 - 20 (6) Postpubertal human genitals;
 - 21 (7) Sexual activity; or
 - 22 (8) Sexual perversion.

- 1 b. "Public library" means a library containing collections of books or periodicals for
2 the general population to read, borrow, or refer to which is supported with funds
3 derived from taxation.
- 4 2. A public library may not maintain in its inventory books that contain explicit sexual
5 material.
- 6 3. By January 1, 2024, each public library shall develop a policy and process for
7 reviewing library collections to ensure conformance with the requirements of this
8 section. The policy must include a procedure:
- 9 a. For the removal and disposal of explicit sexual material from the public library;
10 b. For the development of a book collection that is appropriate for the age and
11 maturity levels of the individuals who may access the materials, and which is
12 suitable for, and consistent with, the purpose of the library;
- 13 c. For the public library to receive, evaluate, and respond to a request from an
14 individual regarding the removal of one or more of the books or other materials in
15 the library collection containing explicit sexual material; and
- 16 d. To periodically review the library collection to ensure the library collection does
17 not contain explicit sexual material.
- 18 4. Each public library shall provide a compliance report to the legislative management
19 before May 1, 2024, on the implementation of a policy and process for reviewing
20 library collections as required by this section and to ensure sufficient compliance with
21 this section.

22 **SECTION 2. APPLICATION.** This Act applies to any book inventory or library collection
23 maintained by a public library after March 31, 2024.