

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 397

6 By: Hamilton and Burns

7 An Act relating to schools; directing school district
8 boards of education and charter school and public
9 library governing boards to appoint certain committee
10 by certain date; requiring certain employee to be
11 included on committee; requiring certain inventory to
12 be completed by certain date; directing designation
13 of print and nonprint materials and media; directing
14 school districts and charter schools beginning on
15 certain date to only include certain materials and
16 media with certain designations in certain school
17 libraries; allowing students access to certain
18 materials and media only with certain written
19 consent; directing public libraries beginning on
20 certain date to place materials and media with
21 certain designation in certain section; allowing
22 certain individuals access to certain materials and
23 media only with certain written consent; prohibiting
24 school district, charter school, and public libraries
beginning on certain date from including materials
and media with certain content; providing for
codification; providing an effective date; and
declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 11-203 of Title 70, unless there
is created a duplication in numbering, reads as follows:

1 A. By September 1, 2023, each school district board of
2 education, charter school governing body, and public library
3 governing body shall appoint a committee to conduct an inventory of
4 print and nonprint materials and media located in their libraries.
5 A library media specialist employed by a school district or charter
6 school shall be included on the committee. The inventory shall be
7 completed by July 1, 2024. Print and nonprint materials and media
8 shall be designated with one of the following ratings:

9 1. "Elementary" means the content of the print or nonprint
10 material or media is suitable for children enrolled in grades pre-
11 kindergarten through five in this state;

12 2. "Junior high" means the content of the print or nonprint
13 material or media may not include material unsuitable for a child
14 enrolled in grades six, seven, and eight in this state, and parents
15 and legal guardians are encouraged to provide guidance to their
16 children in selecting print and nonprint materials and media rated
17 "junior high";

18 3. "Under 16" means the content of the print or nonprint
19 materials or media may not include material inappropriate for
20 children under the age of sixteen (16), and parents and legal
21 guardians are urged to provide guidance to their children in
22 selecting print and nonprint materials and media rated "under 16";
23 and
24

1 4. "Juniors and seniors" means the content of the print or
2 nonprint material or media may include some material not suitable
3 for minors.

4 B. Beginning July 1, 2024, school districts and charter schools
5 shall:

6 1. Include only print and nonprint materials and media
7 designated as "elementary" in elementary school libraries serving
8 students in grades pre-kindergarten through five;

9 2. Include only print and nonprint materials and media
10 designated as "elementary" or "junior high" in elementary school
11 libraries that serve students in grades pre-kindergarten through
12 eight;

13 3. Include only print and nonprint materials and media
14 designated as "elementary", "junior high", or "under 16" in junior
15 high school and high school libraries; and

16 4. Place print and nonprint materials and media designated as
17 "juniors and seniors" in a section of the library accessible only to
18 librarians, teachers, and other school staff. Print and nonprint
19 materials and media designated as "juniors and seniors" shall only
20 be available to a student if he or she has presented a librarian,
21 teacher, or other school staff with written consent from a parent or
22 legal guardian.

23 C. Beginning July 1, 2024, public libraries shall place print
24 and nonprint materials and media designated as "juniors and seniors"

1 in a section of the library accessible only to library staff. Print
2 and nonprint materials and media designated as "juniors and seniors"
3 shall only be available to an individual under the age of eighteen
4 (18) if he or she has presented library staff with written consent
5 from a parent or legal guardian.

6 D. Beginning July 1, 2024, no print or nonprint material or
7 media in a school district library, charter school library, or
8 public library shall include content that the average person age
9 eighteen (18) or older applying contemporary community standards
10 would find has a predominant tendency to appeal to a prurient
11 interest in sex.

12 SECTION 2. This act shall become effective July 1, 2023.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health, or safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

17 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
18 February 21, 2023 - DO PASS AS AMENDED BY CS

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