

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 SENATE BILL NO. 521

By: Pugh

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6 An Act relating to libraries; amending Section 1,
7 Chapter 280, O.S.L. 2022 (70 O.S. Supp. 2022, Section
8 11-202), which relates to digital or online library
9 database resources; updating statutory language;
10 providing certain construction; providing an
11 effective date; and declaring an emergency.

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

13 SECTION 1. AMENDATORY Section 1, Chapter 280, O.S.L.
14 2022 (70 O.S. Supp. 2022, Section 11-202), is amended to read as
15 follows:

16 Section 11-202. A. A school district, charter school, virtual
17 charter school, state agency, public library, or ~~university~~
18 institution of higher education within The Oklahoma State System of
19 Higher Education may offer digital or online library database
20 resources to students in kindergarten through twelfth grade only if
21 the vendor, person, or entity providing the resources verifies that
22 all the resources comply with the provisions of subsection B of this
23 section.

1 B. Digital or online library database resources offered by
2 school districts, charter schools, virtual charter schools, state
3 agencies, public libraries, or universities to students in
4 kindergarten through twelfth grade shall have safety policies and
5 technology protection measures that:

6 1. Prohibit and prevent a user of the resource from sending,
7 receiving, viewing, or downloading materials that are child
8 pornography or obscene materials, as defined in Section 1024.1 of
9 Title 21 of the Oklahoma Statutes, or materials that depict child
10 sexual exploitation, as defined in Section 843.5 of Title 21 of the
11 Oklahoma Statutes; and

12 2. Filter or block access to child pornography or obscene
13 materials, as defined in Section 1024.1 of Title 21 of the Oklahoma
14 Statutes, or materials that depict child sexual exploitation, as
15 defined in Section 843.5 of Title 21 of the Oklahoma Statutes.

16 C. Notwithstanding any contract provision to the contrary, if a
17 provider of digital or online library resources fails to comply with
18 the requirements of subsection B of this section, the school
19 district, public charter school, state agency, public library, or
20 ~~university~~ institution of higher education shall withhold further
21 payments, if any, to the provider pending verification of
22 compliance.

23 D. If a provider of digital or online library database
24 resources fails to timely verify that the provider is in compliance

1 with the safety policies and requirements of subsection B of this
2 section, the school district, public charter school, state agency,
3 public library, or ~~university~~ institution of higher education shall
4 consider the provider's act of noncompliance a breach of contract.

5 E. No later than December 1 of each year, libraries shall
6 submit to the Speaker of the ~~Oklahoma~~ House of Representatives and
7 President Pro Tempore of the ~~Oklahoma State~~ Senate an aggregate
8 written report on any issues related to provider compliance with
9 technology protection measures required by subsection B of this
10 section.

11 F. Employees of school districts, charter schools, virtual
12 charter schools, state agencies, public libraries, and universities
13 shall not be exempt from prosecution for willful violations of state
14 law prohibiting indecent exposure to obscene material or child
15 pornography as provided in Section 1021 of Title 21 of the Oklahoma
16 Statutes.

17 G. Nothing in this act shall be construed in a manner that
18 applies to digital or online library database resources offered by
19 institutions of higher education when the primary purpose of the
20 resources is for education or research.

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

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

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
4 February 21, 2023 - DO PASS
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