
The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michael Bell.

SB 7 Engrossed DIGEST Cloud
2023 Regular Session

Present law provides for the establishment of libraries by parishes and municipalities.

Proposed law defines "digital content", "library patron", "sexual conduct", and "sexually explicit material".

Proposed law requires that by January 1, 2024, each library established in accordance with present law or pursuant to a home rule charter shall adopt and implement a policy to limit the access of minors to sexually explicit material.

Proposed law requires the policy to include, at a minimum, the following:

- (1) A requirement that community standards for the population served by the library be considered when acquiring library material through donation or purchase.
- (2) A library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out sexually explicit material physically available in the library. This may be accomplished by either:
 - (a) A library card that restricts a minor from checking out any library material in a collection that the library board of control has, through majority vote in an open meeting, identified as containing sexually explicit material pursuant to a request for reconsideration.
 - (b) A library card that restricts a minor from checking out any library material that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.
- (3) A library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out digital content. The library is required to list in the library's policy each digital content source accessible by a minor that contains library material that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.
- (4) A procedure that allows a library patron to request the reconsideration of whether a library material should be included in a library collection. The procedure shall include, at a minimum, the following:

- (a) A process to review a reconsideration request. This process shall include but is not limited to a written determination approving or denying the request, a process to notify the library patron making the request of the written determination, and the process to appeal the determination to the library board of control.
- (b) A requirement that a request for reconsideration of a library material that may include sexually explicit material be reviewed by the library board of control.

Proposed law provides for immunity of employees and agents of the library or a member of the library board of control.

Proposed law allows a parish or municipality governing authority to withhold payments for maintenance costs and other expenses from a library that fails to adopt and implement the policy required by proposed law.

Proposed law requires the governing authority to provide 60 days written notice to the library board of control prior to withholding any payments pursuant to proposed law.

Proposed law prohibits the bond commission from considering any application authorizing the incurrence of debt or any application authorizing the levy of any tax where the proceeds of the debt or tax directly benefit any library that fails to adopt and implement the policy required by proposed law until the library adopts and implements the policy required by proposed law.

Effective August 1, 2023.

(Adds R.S. 25:225)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Provides for a library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out sexually explicit material physically available in the library.
2. Provides for a library card system that requires a minor's parent or guardian to select whether the minor is permitted to check out digital content.
3. Requires the library to list in the library's policy each digital content source accessible by a minor that contains library material that the library board of control has, through majority vote in an open meeting, identified as sexually explicit material pursuant to a request for reconsideration.
4. Provides for immunity of a member of the library board of control.

5. Requires the governing authority to provide 60 days written notice to the library board of control prior to withholding any payments pursuant to proposed law.