

RÉSUMÉ DIGEST

ACT 436 (SB 7)

2023 Regular Session

Cloud

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

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

New law requires that by January 1, 2024, each library established in accordance with existing law or pursuant to a home rule charter shall adopt and implement a policy to limit the access of minors to sexually explicit material. Further provides that the adopted policy must be implemented by June 1, 2024.

New 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 that would be accessible to minors through donation or purchase. Specify that nothing in new law shall limit the acquisition of material by a library that implements the system provided for in new law.
- (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 acceptable for checkout 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 library patrons to request the reconsideration of whether a library material should be included in a library collection accessible to minors. 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 patrons 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.

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

New 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 new law.

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

New 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 new law until the library adopts and implements the policy required by new law.

Effective August 1, 2023.

(Adds R.S. 25:225)