

---

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 102 Original

2023 Regular Session

Emerson

**Abstract:** Requires parish and municipal libraries to adopt and implement a policy relative to a minor's access to sexually explicit materials.

Present law authorizes parish and municipal governing authorities to create, by ordinance, public libraries. Requires parish and municipal governing authorities to create public libraries when petitioned by not less than 25% of the duly qualified property taxpayers of the respective parish or municipality.

Proposed law requires each library established pursuant to present law or pursuant to a home rule charter adopted after the adoption of the 1974 state constitution (Art. VI, Sec. 5) to adopt and implement a policy to limit a minor's access 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 allows a parent or guardian to select a card that indicates whether a minor is permitted to check out sexually explicit material physically available in the library. This may be accomplished by either:
  - (a) Allowing a parent or guardian to select a library card that restricts a minor from checking out any library material from a collection that contains sexually explicit material.
  - (b) Allowing a parent or guardian to select 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.
- (3) A library card system that allows a parent or guardian to choose a library card that indicates whether a minor is permitted to check out digital content. The library is required to list in the library policy each digital content source accessible by minors that contains sexually explicit material.
- (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.

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 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.

(Adds R.S. 25:225)