

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 7

2023 Regular Session

Cloud

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

LIBRARIES. Provides relative to access to certain materials in public libraries. (8/1/23)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Require a "library patron" to reside in the parish where the library is located and be of the age of majority.
2. Provide that the review process is triggered by no fewer than 10 nor more than 20 library patrons.
3. Change the implementation date from Jan. 1, 2024, to Jan. 1, 2025.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 7 Re-Reengrossed

2023 Regular Session

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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, 2025, 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 that would be accessible to minors through donation or purchase. Specify that nothing in proposed law shall limit the acquisition of material by a library that implements the system provided for in proposed 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 the number of library patrons required to trigger the review process is no less than ten and no greater than twenty.
 - (c) 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)

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