STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 397

By: Hamilton

COMMITTEE SUBSTITUTE

An Act relating to schools; directing school district boards of education and charter school and public library governing boards to appoint certain committee by certain date; requiring certain employee to be included on committee; requiring certain inventory to be completed by certain date; directing designation of print and nonprint materials and media; directing school districts and charter schools beginning on certain date to only include certain materials and media with certain designations in certain school libraries; allowing students access to certain materials and media only with certain written consent; directing public libraries beginning on certain date to place materials and media with certain designation in certain section; allowing certain individuals access to certain materials and media only with certain written consent; prohibiting school district, charter school, and public libraries beginning on certain date from including materials and media with certain content; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-203 of Title 70, unless there is created a duplication in numbering, reads as follows:
A. By September 1, 2023, each school district board of education, charter school governing body, and public library governing body shall appoint a committee to conduct an inventory of print and nonprint materials and media located in their libraries. A library media specialist employed by a school district or charter school shall be included on the committee. The inventory shall be completed by July 1, 2024. Print and nonprint materials and media shall be designated with one of the following ratings:

1. “Elementary” means the content of the print or nonprint material or media is suitable for children enrolled in grades pre-kindergarten through five in this state;

2. “Junior high” means the content of the print or nonprint material or media may not include material unsuitable for a child enrolled in grades six, seven, and eight in this state, and parents and legal guardians are encouraged to provide guidance to their children in selecting print and nonprint materials and media rated “junior high”;

3. “Under 16” means the content of the print or nonprint materials or media may not include material inappropriate for children under the age of sixteen (16), and parents and legal guardians are urged to provide guidance to their children in selecting print and nonprint materials and media rated “under 16”; and
4. “Juniors and seniors” means the content of the print or nonprint material or media may include some material not suitable for minors.

B. Beginning July 1, 2024, school districts and charter schools shall:

1. Include only print and nonprint materials and media designated as “elementary” in elementary school libraries serving students in grades pre-kindergarten through five;

2. Include only print and nonprint materials and media designated as “elementary” or “junior high” in elementary school libraries that serve students in grades pre-kindergarten through eight;

3. Include only print and nonprint materials and media designated as “elementary”, “junior high”, or “under 16” in junior high school and high school libraries; and

4. Place print and nonprint materials and media designated as “juniors and seniors” in a section of the library accessible only to librarians, teachers, and other school staff. Print and nonprint materials and media designated as “juniors and seniors” shall only be available to a student if he or she has presented a librarian, teacher, or other school staff with written consent from a parent or legal guardian.

C. Beginning July 1, 2024, public libraries shall place print and nonprint materials and media designated as “juniors and seniors”
in a section of the library accessible only to library staff. Print and nonprint materials and media designated as “juniors and seniors” shall only be available to an individual under the age of eighteen (18) if he or she has presented library staff with written consent from a parent or legal guardian.

D. Beginning July 1, 2024, no print or nonprint material or media in a school district library, charter school library, or public library shall include content that the average person age eighteen (18) or older applying contemporary community standards would find has a predominant tendency to appeal to a prurient interest in sex.

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

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