

1 ENGROSSED SENATE
2 BILL NO. 397

By: Hamilton, Burns, Jett, and
Bullard of the Senate

3 and

4 Conley of the House
5

6 An Act relating to schools; directing school district
7 boards of education and charter school and public
8 library governing boards to appoint certain committee
9 by certain date; requiring certain employee to be
10 included on committee; requiring certain inventory to
11 be completed by certain date; directing designation
12 of print and nonprint materials and media; directing
13 school districts and charter schools beginning on
14 certain date to only include certain materials and
15 media with certain designations in certain school
16 libraries; allowing students access to certain
17 materials and media only with certain written
18 consent; directing public libraries beginning on
19 certain date to place materials and media with
20 certain designation in certain section; allowing
21 certain individuals access to certain materials and
22 media only with certain written consent; prohibiting
23 school district, charter school, and public libraries
24 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

1 governing body shall appoint a committee to conduct an inventory of
2 print and nonprint materials and media located in their libraries.
3 A library media specialist employed by a school district or charter
4 school shall be included on the committee. The inventory shall be
5 completed by July 1, 2024. Print and nonprint materials and media
6 shall be designated with one of the following ratings:

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

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

16 3. "Under 16" means the content of the print or nonprint
17 materials or media may not include material inappropriate for
18 children under the age of sixteen (16), and parents and legal
19 guardians are urged to provide guidance to their children in
20 selecting print and nonprint materials and media rated "under 16";
21 and

22 4. "Juniors and seniors" means the content of the print or
23 nonprint material or media may include some material not suitable
24 for minors.

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

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

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

10 3. Include only print and nonprint materials and media
11 designated as "elementary", "junior high", or "under 16" in junior
12 high school and high school libraries; and

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

20 C. Beginning July 1, 2024, public libraries shall place print
21 and nonprint materials and media designated as "juniors and seniors"
22 in a section of the library accessible only to library staff. Print
23 and nonprint materials and media designated as "juniors and seniors"
24 shall only be available to an individual under the age of eighteen

1 (18) if he or she has presented library staff with written consent
2 from a parent or legal guardian.

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

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

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

14 Passed the Senate the 7th day of March, 2023.

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Presiding Officer of the Senate

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18 Passed the House of Representatives the ____ day of _____,
19 2023.

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Presiding Officer of the House
of Representatives

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