

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1205

Introduced by

Representatives Lefor, Steiner

1 A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota
2 Century Code, relating to prohibiting public libraries from maintaining explicit sexual material; to
3 provide for a legislative management report; and to provide for application.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 12.1-27.1 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Public libraries prohibited from maintaining explicit sexual material - Report.**

8 1. As used in this section:

9 a. ~~"Explicit sexual material" does not include works of art that, when taken as a~~
10 ~~whole, have serious artistic significance, or works of anthropological significance,~~
11 ~~or materials used in science courses, including materials used in biology,~~
12 ~~anatomy, physiology, or sexual education classes. The term means any pictorial,~~
13 ~~three-dimensional, or visual depiction, including any photography, picture,~~
14 ~~computer video, or computer-generated image, showing~~ means any material
15 which:

16 (1) ~~Human masturbation~~ Taken as a whole, appeals to the prurient interest of
17 minors;

18 (2) ~~Deviant sexual intercourse~~ is patently offensive to prevailing standards in the
19 adult community in North Dakota as a whole with respect to what is suitable
20 material for minors; and

21 (3) ~~Sexual intercourse;~~

22 ~~(4) Direct physical stimulation of genitals;~~

23 ~~(5) Sadomasochistic abuse;~~

24 ~~(6) Postpubertal human genitals;~~

1 ~~(7) Sexual activity; or~~
2 ~~(8) Sexual perversion~~ Taken as a whole, lacks serious literary, artistic, political,
3 or scientific value for minors.

4 b. "Public library" means a library ~~containing collections of books or periodicals for~~
5 ~~the general population to read, borrow, or refer to which is supported with funds~~
6 ~~derived from taxation~~ established under chapter 40-38.

7 2. A public library may not maintain in its children's collection inventory books that
8 contain explicit sexual material.

9 3. By January 1, 2024, each public library shall develop a policy and process for
10 reviewing library collections to ensure conformance with the requirements of this
11 section. The policy must include a procedure:

12 a. For the removal ~~and disposal~~ or relocation of explicit sexual material ~~from~~ the
13 public library;

14 b. For the development of a book collection that is appropriate for the age and
15 maturity levels of the individuals who may access the materials, and which is
16 suitable for, and consistent with, the purpose of the library;

17 c. For the public library to receive, evaluate, and respond to a request from an
18 individual regarding the removal or relocation of one or more of the books or
19 other materials in the library collection containing explicit sexual material; and

20 d. To periodically review the library collection to ensure the library collection does
21 not contain explicit sexual material in the children's collection.

22 4. Each public library shall provide a compliance report to the legislative management
23 before May 1, 2024, on the implementation of ~~a policy and process for reviewing~~
24 ~~library collections~~ collection development and relocation of materials policies as
25 required by this section and to ensure sufficient compliance with this section.

26 **SECTION 2. APPLICATION.** This Act applies to any children's book inventory ~~or library-~~
27 ~~collection~~ maintained by a public library after March 31, 2024.