

I am writing in opposition to the spirit and language of House Bill 1205 because it is an example of censorship and government overreach. The bill further infringes on local control of North Dakota librarians who have professional expertise to make decisions about the materials in their libraries. North Dakota prides itself on a state of personal freedom and individual liberty, and the efforts of the ND legislature to limit citizens' ability to access a wide range of materials is essential to maintaining that proud tradition of the state. It is surprising to me that legislators who regularly embrace that world view would introduce a bill with this kind of overreach.

Likewise, the language of the bill is ambiguous and often subjective, particularly Section 2, parts 1.a.1-12. The language in 1.a suggests that "explicit sexual material" is being banned, but many of the subsidiary descriptors do not fall under that category. The blending of items like "somasochistic abuse" (which seems more clearly part of the 'explicit sexual material' category with "gender identity" which is simply defined as the gender that a person identifies with makes little sense. Likewise, "human masturbation" is, I suppose, an explicit sexual activity (but seems strangely specific—is 'animal masturbation' allowed, then?). Surely "deviant sexual intercourse" is a highly subjective description that is rooted in a wide range of cultural and personal understandings of what is or isn't normal. Is this something we really want to try to codify in a bill?

Other items in this list seem nearly impossibly to find agreement on. What exactly constitutes a shared agreement of "sexual perversion" – is a book that is intended to be instructional for readers about puberty and sexual ethics/health going to be acceptable to one library and not to another? To one patron and not another? Items 1.10, 1.11, and 1.12 are too broad and inclusive to be useful. Sex-based classifications, sexual identity and gender identity are just descriptions of how people look in pictures of people. Literally any book in the library with a picture of a person will fall under that category.

Given the free availability of inaccurate information that young people have access to through the internet—images and information that have little context. The language in the bill may limit the ability of librarians to acquire materials that will provide high quality and well-written texts that will actually place sexual content in a context that will promote kids' ability to think through their values and ethics. Wouldn't we rather our kids have access to quality and curated material that will support their human development than have access to only the worst kinds of content that is freely available online?

In other words, this bill is wrong-headed. As a parent and ND resident, I trust the judgment of our library professionals to make decisions about collection development, and I trust parents to make choices that are appropriate for *their* children within that context. I urge the ND legislature to vote down this bill.

- 5 **Public libraries prohibited from maintaining or promoting certain books.**
- 6 1. As used in this section:
- 7 a. "Explicit sexual material" does not include works of art that, when taken as a
- 8 whole, have serious artistic significance, or works of anthropological significance,
- 9 or materials used in science courses, including materials used in biology,
- 0 anatomy, physiology, or sexual education classes. The term means any pictorial,
- 1 three-dimensional, or visual depiction, including any photography, picture, or
- 2 computer-generated image, showing:
- 3 (1) Human masturbation;
- 4 (2) Deviant sexual intercourse;
- 5 (3) Sexual intercourse;
- 6 (4) Direct physical stimulation of genitals;
- 7 (5) Sadomasochistic abuse;
- 8 (6) Postpubertal human genitals;
- 9 (7) Sexual preferences;
- 0 (8) Sexual activity;
- 1 (9) Sexual perversion;
- 2 (10) Sex-based classifications;
- 3 (11) Sexual identity; or
- 4 (12) Gender identity.
- 5 b. "Public library" means a library containing collections of books or periodicals for
- 6 the general population to read, borrow, or refer to which is supported with funds
- 7 derived from taxation.
- 8 2. A public library may not maintain in its inventory or promote books that make as their
- 9 primary subject the study of explicit sexual material.

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