

I am testifying in opposition to SB2307. The biggest problem with SB2307 is are no qualifications for who can submit an allegation. They don't need to be a member of the community; they don't need to be a North Dakota citizen; they don't even need to have stepped foot in North Dakota. Consider what is happening in other states, especially as over 25% of the people who testified in favor of this bill in February were from out of state. Lists of hundreds of books that someone deemed objectionable are being circulated by political action groups. Most of the books on these lists were selected because of who they were written by or about, and, for many of them, it is because they are by or about minorities, not necessarily because of anything sex-related. I have included more information about one such list as an appendix to this testimony. People have submitted these lists to numerous libraries in other states, asking that the books be removed. Often, the library didn't even have all the books on the list. Frequently, the person submitting the list came from outside the library's community or (in the case of school libraries) didn't have any children attending school in the school district. Because this bill allows ANYONE to submit allegations about books in our libraries, it is very likely that someone will submit one or more of these lists here. Because the lists are overwhelmingly long, libraries find it difficult or impossible to properly evaluate them by committee. In the case of this bill, if they do manage it, the overwhelming task of evaluation will then fall to the states attorneys. The method behind this is to get people to remove books without evaluating them, and it works. This means anyone can get any book removed regardless of the book's actual content and that out-of-state political action groups get to decide what North Dakota children read, not their parents. In an attempt to partially counteract this problem, many libraries have implemented policies that require that people submitting a request for reconsideration be members of the library's community and that they state specifically what they are objecting to in each book, often including page numbers. This doesn't stop people from objecting to books they haven't read, but it does require them to put more a little more effort into it.

Whether the books people object to would have to be entirely removed from the library or if they could just be moved to an area with some sort of access control measures depends on the resources of the library. Most of our libraries are small and are unlikely to be able to afford access control measures. Our small rural libraries may be forced to follow in the footsteps of several libraries in Idaho, Tennessee, and Louisiana who have had to cease serving minors altogether because of similar bills. They simply have nowhere to isolate adult materials and consider it less risky to cease to serve minors than to cease serve adults and run the risk legal trouble if someone objects to a book they thought innocuous.

I am also very concerned about the portions of the bill that relate to online databases (also known as online resources). The bill will either cause un-budgeted additional expenses or cause our schools and libraries to lose access to online databases. Online library databases are not the open internet. Most are curated collections of articles from educational reference works (encyclopedias, etc.), journals, and educational magazines. There are separate databases for children, teens, and adults and the content is age appropriate. I strongly urge everyone to take the time to examine the databases and their contents for themselves. Other online resources include e-book and audiobook lending libraries, craft and hobby instructional materials, online courses, and language learning tools. I took the time to look at most of them. Hoopla, one of the e-book and audiobook vendors, has parental controls that can be set up if desired, but no age verification. Libby, the other e-book and audiobook vendor, has separate collections for the different age groups but there doesn't seem to be a way to make a collection a default setting. The only database in which I actually found sexually explicit content is the one that actually does have age verification, the film database Kanopy. Kanopy has some foreign films that are marked as sexually explicit (they constitute a small minority of the films they make available), and Kanopy requires that all users be over the age of 18. (Note that these films are not actually pornography, either. From what I have read, pornographic films have much lower artistic standards and

consist mainly of sex scenes with minimal plot. Foreign art films with sexually explicit content, on the other hand, are more akin to a regular art film, complete with a fully-explored plot, just with some explicit sex scenes included.) For all the databases, it is important to note that North Dakota is a tiny market share for online database providers. It would cost these providers time and money to create filters and age verification. Vendors, especially those who know that their databases have no sexual content, are likely to either charge a fee to these measures (which has not been budgeted for) or to simply drop North Dakota from their service.

I would also like to address a few items from the Senate subcommittee hearing. First, a Senator asked about an ALA list that libraries use to purchase books, and those testifying didn't understand what they meant. Afterwards, someone suggested that they might have been referring to the American Library Association annual list of the top ten banned books in America for each year. If that is the case, I'd like to clarify: the list is not a selection list and libraries do not use it to choose materials to purchase. Libraries often receive lists from publishers or vendors of books scheduled to be published during future months, and they do select books from those lists. The banned books list, on the other hand, is informational. It is a reflection of books already purchased and attempts to remove them that occurred during a given year. Librarians do pay attention to see if any of the books they have in their collections appear but don't buy items simply because they are on the list. Librarians purchase books using requests from borrowers and past borrowing data to find items that are likely to be of interest.

Second, an allegation was made at the Senate Committee hearing that the *Heartstopper* series by Alice Oseman was sexually explicit and that a school refused to remove it at a parent's request. This was provided as evidence that the existing systems in place at schools and libraries for reevaluating materials were not working. I decided to find out for my self and read all five books in the series. The first four contain no sex or nudity, as judge by North Dakota law. Some of the male characters are depicted (in drawings without a lot of detail) wearing pajama bottoms without tops, usually while alone in bed, but that is not included in the legal definition of nudity. There is affectionate tickle-fighting, pillow fighting, kissing, and cuddling (all while fully dressed), but no sex. In the fifth book, the characters, who are both above the age of consent in their country, do decide to add sex to their relationship. There are two scenes where it is implied that something sexual is happening under the blankets, but the blankets prevent any actual depiction of sex or nudity; that is left to the reader's imagination. In the text, sex is mentioned but not described. Although I personally dislike reading romance stories, when reading the series I could see why some parents would want their teens to read it. It provides a lot of positive messages about difficult issues experienced by high school students such as bullying and mental health in a way that teens may find accessible.

I did not get a chance to judge the other book mentioned in the testimony, "Let's Talk About It" for myself because, like the majority of libraries in North Dakota, my local library doesn't have it. I did talk to a librarian who had it in her library. She said that the library purchased the book for a particular autistic teen. His parent wanted him to learn about sex, but he struggled to understand large blocks of text; he needed something with illustrations, and "Let's Talk About It" has cartoon-style illustrations that fit his need. From my research, it is a sex education book, not a novel. Several studies* show that teens who receive comprehensive sex education are not only less likely to experience STDs, teen pregnancy, and sexual violence but also start having sex a little later than teens who receive basic sex education or abstinence only education. Consequently, there are parents who want their teens to have comprehensive sex education, and they depend on libraries to provide books for this purpose.

Another problem is that this bill lumps both children and teenagers together as minors. The bill that passed 2 years ago ensured that there are no books with sexual content, including no books on sex ed,

in the children's library. This bill treats teenagers as children and prevents them from accessing sex ed books even though some of them are mere days away from being legally old enough for sex.

North Dakota libraries already have systems in place to evaluate books that may be inappropriate for the collection in which they reside. This bill endangers access to valuable print and digital materials on the assumption that they have or could have sexual explicit contents.

Sincerely,
Julie Reiten
Minot, ND

*Example studies:

School-based sex education policies and indicators of sexual health among young people: a comparison of the Netherlands, France, Australia and the United States.

Published in: Sex Education, May 2005, Professional Development Collection

<https://research.ebsco.com/c/euwmr4/viewer/html/fx5g3lei5n>

By: Weaver, Heather; Smith, Gary; Kippax, Susan

<https://onlinelibrary.wiley.com/doi/full/10.1111/josh.13311> Trends in Sexual Risk Behavioral Responses among High School Students between Mississippi and the United States: 2001 to 2019 YRBSS

https://www.sciencedirect.com/science/article/pii/S1054139X20304560?pes=vor&utm_source=wiley&getft_integrator=wiley#bib80

I looked at a list of 444 books submitted to a library in Wisconsin in late 2023. It included books I have read and can verify contain no sexual content such as *Hunger Games* and *Good Omens*. It contained classics such as *Grapes of Wrath* and *Lord of the Flies*. It contained mostly novels but also some non-fiction such as *The Bomb: the Race to Build and Steal the World's Most Dangerous Weapon* and *Lone Survivor: the Eyewitness Account of Operation Redwing and the Lost Heroes of Seal Team 10*. It contained that are LGBTQ+ related but probably or definitely contain no sex such as *A Quick and Easy Guide to They/Them Pronouns* and *Being Jazz*. It contained books about historical events that some people in other states might be ashamed of such as *Baseball Saved Us*, an account of a Japanese-American who was interned in World War II, and *The 57 Bus: a True Story of Two Teenagers and the Crime That Changed Their Lives*. It contained quite a few dystopian novels, not just *Brave New World* and *A Handmaid's Tale*, but also *Ready Player One* and *Unwind*. Even though the person who submitted the list did not follow the library's request for reconsideration rules, the books were removed from the library. Slowly, months or even over a year later, most of the books were returned, but part of the problem is that they weren't there for the kids who wanted or even needed to read them for a long period of time.