

**FIRST ENGROSSMENT
with Senate Amendments
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" means any material which:

10 (1) Taken as a whole, appeals to the prurient interest of minors;

11 (2) Is patently offensive to prevailing standards in the adult community in North
12 Dakota as a whole with respect to what is suitable material for minors; and

13 (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value
14 for minors.

15 b. "Public library" means a library established under chapter 40-38.

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

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

21 a. For the removal or relocation of explicit sexual material in the public library;

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

- 1 c. For the public library to receive, evaluate, and respond to a request from an
2 individual regarding the removal or relocation of one or more of the books or
3 other materials in the library collection containing explicit sexual material; and
4 d. To periodically review the library collection to ensure the library collection does
5 not contain explicit sexual material in the children's collection.
6 4. Each public library shall provide a compliance report to the legislative management
7 before May 1, 2024, on the implementation of collection development and relocation of
8 materials policies as required by this section and to ensure sufficient compliance with
9 this section.
10 **SECTION 2. APPLICATION.** This Act applies to any children's book inventory maintained
11 by a public library after March 31, 2024.