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Dear Chairman Klemin and Members of the House Judiciary Committee:

I am contacting you to express my support for SB 2360 as a mental health professional and as a parent of a minor in North Dakota.

I have previously provided testimony on SB 2123 and on HB 1205. Therein, I provided general information about the development of the human brain and the functional limitations of the brain in adolescence. I will repeat here that individuals under the age of eighteen do not generally have the capacity to defer impulses, to conceptualize long-term consequences, or to make rational decisions in the same way that they could in adulthood, because the parts of their brains that handle those functions still remain under development. In my testimony on the other bills, I also delineated some of the empirical research showing evidence of the harm caused to youth by exposure to or consumption of sexually explicit materials. Because this is a different bill, I will repeat that list at the end of this document, even though you have likely already seen it. One thing I would point out regarding the research is that at least one study has looked at the effects of sexually explicit comic books per se, i.e., media similar to the book “Let’s Talk About It” by Erika Moen and Matthew Nolan, and found statistically significant associations between the use of such media in young people entering adolescence and early sexual debut, unsafe sexual practices, and multiple sexual partners (Lin et al., 2020). Whereas systemic ethical protocols tend to prevent researchers in the United States from studying the effects of sexually explicit materials on adolescents, we still have information sufficient to establish the harm caused by these materials, particularly when we draw on research that has been conducted in other countries around the world, where ethical protocols in research may be different from our own.

This legislation has been proposed because today’s librarians in North Dakota, as generally knowledgeable and well-intentioned as they may be, either don’t understand the risks of providing children and adolescents unrestricted access to media that floods them with sexual information and/ or that promotes sexual experimentation, or else they have set those risks aside in a corner as being less important than the “freedom to read” or less important than their duty to provide information to whomever wants it, whenever they want it, whatever the consequences.

I have specific comments to offer on the letter of 2360.

Page 1, line 28 denotes “sex-based classifications” as a form of sexually explicit material. I would suggest removal of this term, as it is vague, and it intuitively suggests categories that are not in themselves sexually explicit.

Page 1, lines 21 and 27 contain the terms “deviant” and “perversion”, which have been criticized as being subjective. It may be advisable to refine the entire list to create a more clear and more objective list of specific behaviors, which, considered together, would comprise the sexually

explicit material targeted. I have previously provided such a list to a legislator and would provide it again, if asked.

There have been many characterizations of this bill by its opposition as a bill that targets “any book that mentions sex,” even though that is clearly not the bill’s intent. Librarians in my community have stated publicly that the bill may apply to books like the Bible, the Diary of Anne Frank, and the Art of Walt Disney, as well as to drawing books and art books. They suggest that the bill may affect many, many books rather than just the relatively small proportion of books having been acquired by libraries in very recent years that are actually sexually explicit and causing a problem. I believe it’s important to assume that this is not just an argument for the sake of opposition but rather that it represents, at least to some extent, a genuine concern about insufficient clarity or specificity, which could cause a problem for librarians in discerning what is and is not permitted under the bill. For this reason, I would suggest adding additional clarifying language in the area around page 2, line 15, to further describe the targeted material as material that is, in whole or in part, overtly intended to promote, glorify, or facilitate recreational sexual behavior and/ or to induce sexual arousal.

Finally, I have noted per the ndlegis.gov website that an amendment was proposed to HB 1205 on 3/13/2023, which narrowed that bill’s application to libraries’ children’s collections. I implore you to please not narrow SB 2360 in the same way. In my community, there is nothing that prevents a child from accessing the general collection of the library, and children are in fact encouraged to access the general collection, when they have exhausted the materials available to them in the children’s collection. Requiring libraries to move the problem books from one shelf to another, or even from one floor to another, will not solve the problem. I urge you to please not rely on a distinction between a library’s “children’s collection” and its “general collection,” because the separation of these collections is, in reality, fluid and permeable. Allowing libraries to retain sexually explicit material for adult use only could be accomplished by the creation and management of “adult only” collections within the libraries. However at present, such “adult only” collections do not exist, and I know of no protocols in libraries that could limit access to materials by age. However you proceed, please keep in mind that restrictions applied only to a “children’s collection” will not prevent adolescents from intentionally accessing any book in a library, and it would not even fully prevent children from inadvertently stumbling into any book in a library.

I appreciate your effort to make our libraries and schools safer for youth, and I hope you will continue to pursue the fruition of this legislation skillfully and diligently. Thank you for your service to our State.

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The summary of research previously shared in my other testimony includes as follows: (1) there is a robust association between adolescent pornography use and permissive sexual attitudes (Peter & Valkenburg, 2016); (2) the probability of teens engaging in sexual intercourse increases with the frequency of their consumption of sexually explicit material (Bogale & Seme, 2014; Brown & L’Engle, 2009; Manaf et al., 2014; and Cheng, Ma, and Missari, 2014); (3)

consumption of sexually explicit material in adolescents is associated with initiating sexual activities at younger ages (Kraus & Russell, 2008; Morgan, 2011); and (4) there is evidence to suggest the consumption of sexually explicit material by adolescents is associated with substance abuse (Carroll et al., 2008) as well as with both sexual aggression (Brown and L'Engle, 2009) and sexual victimization (Bekele, Van Aken, & Dubas, 2011). At least one study has examined effects of sexually explicit comic books, along with a variety of other sexually explicit media, and has shown statistically significant associations between the use of these materials in young people entering adolescence and subsequent risky sexual behaviors (Lin et al., 2020).

References

- Bekele, A.B., Van Aken, M.A.G., & Dubas, J.S. (2011). Sexual violence victimization among female secondary school students in Eastern Ethiopia. *Violence and Victims, 26*, 608-630.
- Bogale, A., & Seme, A. (2014). Premarital Sexual Practices and its predictors among in-school youths of Shendi town, West Gojjam zone, North western Ethiopia. *Reproductive Health, 11*, 49.
- Brown, J.D., & L'Engle, K.L. (2009). X-rated: Sexual attitudes and behaviors associated with U.S. early adolescents' exposure to sexually explicit media. *Communication Research, 36*(1), 129-151.
- Carroll, J.S., Padilla-Walker, L.M., Nelson, L.J., Olson, C.D., McNamara Barry, C., & Madsen, S.D. (2008). Generation XXX: Pornography acceptance and use among emerging adults. *Journal of Adolescent Research, 23*(1), 6-30.
- Cheng, S., Ma, J., & Missari, S. (2014). The effects of Internet use on adolescents' first romantic and sexual relationships in Taiwan. *International Sociology, 29*(4), 324-347.
- Hald, G.M., Kuyper, L., Adam, P., & DeWitt, J.B.F. (2013). Does viewing explain doing? Assessing the association between sexually explicit materials use and sexual behaviors in a large sample of Dutch adolescents and young adults. *International Journal for Sexual Medicine, 10*, 2986-2995.
- Kraus, S., & Russell, B. (2008). Early sexual experiences: The role of Internet access and sexually explicit material. *CyberPsychology & Behavior, 11*(2), 162-168.
- Lin, W., Liu, C, & Yi, C. (2020). Exposure to sexually explicit media in early adolescence is related to risky sexual behavior in emerging adulthood. *PLOS ONE, 15*(4), 1-26.
- Manaf, M.R.A., Tahir, M.M., Sidi, H., Midin, M., Nik Jaafar, N.R., Das, S., & Malek, A.M.A. (2014). Pre-marital sex and its predicting factors among Malaysian youths. *Comprehensive Psychiatry, 55*, 82-88.
- Morgan, E. (2008). Association between young adults' use of sexually explicit materials and their sexual preferences, behaviors, and satisfaction. *Journal of Sex Research, 48*(6), 520-530.
- Peter, Jochen & Valkenburg, Patti (2016). Adolescents and Pornography: A review of 20 years of research. *The Journal of Sex Research, 53*, (4-5), 509-531.