

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 227

BY EDUCATION COMMITTEE

AN ACT

1 RELATING TO LIBRARIES; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE  
2 ADDITION OF A NEW SECTION 33-527, IDAHO CODE, TO ESTABLISH PROVISIONS  
3 REGARDING A SELECTION AND ACCESS POLICY FOR PUBLIC SCHOOL LIBRARIES;  
4 AMENDING CHAPTER 26, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW  
5 SECTION 33-2621, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A SE-  
6 LECTION AND ACCESS POLICY AND A LIBRARY CARD POLICY FOR CERTAIN PUBLIC  
7 LIBRARIES; AMENDING CHAPTER 27, TITLE 33, IDAHO CODE, BY THE ADDITION OF  
8 A NEW SECTION 33-2732, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A  
9 SELECTION AND ACCESS POLICY AND A LIBRARY CARD POLICY FOR CERTAIN PUBLIC  
10 LIBRARIES; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION  
11 OF A NEW SECTION 33-5219, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING  
12 A SELECTION AND ACCESS POLICY FOR PUBLIC CHARTER SCHOOL LIBRARIES; AND  
13 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Chapter 5, Title 33, Idaho Code, be, and the same is  
17 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
18 ignated as Section 33-527, Idaho Code, and to read as follows:

19 33-527. SCHOOL LIBRARY SELECTION AND ACCESS POLICY. (1) For purposes  
20 of this section:

21 (a) "Board" means a school district board of trustees.

22 (b) "Harmful to minors" means any picture, image, graphic image file,  
23 or other visual depiction that:

24 (i) Taken as a whole and with respect to minors, appeals to a  
25 prurient interest in nudity, sex, or excretion;

26 (ii) Depicts, describes, or represents in a patently offensive  
27 way with respect to what is suitable for minors, an actual or sim-  
28 ulated sexual act or sexual contact, actual or simulated normal or  
29 perverted sexual acts, or a lewd exhibition of the genitals; and

30 (iii) Taken as a whole, lacks serious literary, artistic, politi-  
31 cal, or scientific value as to minors.

32 (2) Each board shall, by October 1, 2023, adopt a selection and access  
33 policy that conforms to the provisions of this section. The policy shall  
34 be adopted at an open meeting only after the public has had at least one (1)  
35 month to consider the proposed policy and provide written comment or testi-  
36 mony at an open meeting. The policy shall be reviewed at least once every  
37 three (3) years and may be updated by the board at its discretion, provided  
38 that any updated policy must also be adopted at an open meeting after the pub-  
39 lic has had the opportunity to consider the proposed update and provide writ-  
40 ten comment or testimony at an open meeting.

41 (3) A selection and access policy shall include:

- 1 (a) Standards for the selection of library collection materials, which  
 2 standards shall include a prohibition of materials harmful to minors;  
 3 (b) Standards for access to materials, including requirements for:  
 4 (i) Distinct, clearly identified shelving areas for students by  
 5 age group or grade level; and  
 6 (ii) Labels that clearly identify a material as intended for a  
 7 specific age group or grade level;  
 8 (c) A process under which the parent or legal guardian of a student may  
 9 challenge inclusion of certain materials in the library collection,  
 10 which process shall include an opportunity for the challenge to be pre-  
 11 sented at an open meeting of the board and for members of the community  
 12 to provide input in response to the challenge; and  
 13 (d) A process under which parents or legal guardians of students may re-  
 14 strict their child's access to certain materials.

15 SECTION 2. That Chapter 26, Title 33, Idaho Code, be, and the same is  
 16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 17 ignated as Section 33-2621, Idaho Code, and to read as follows:

18 33-2621. SELECTION AND ACCESS POLICY -- LIBRARY CARD POLICY. (1) For  
 19 purposes of this section:

- 20 (a) "Board" means the board of trustees of a library governed by this  
 21 chapter that receives public moneys and offers materials to the public.  
 22 (b) "Harmful to minors" means any picture, image, graphic image file,  
 23 or other visual depiction that:  
 24 (i) Taken as a whole and with respect to minors, appeals to a  
 25 prurient interest in nudity, sex, or excretion;  
 26 (ii) Depicts, describes, or represents in a patently offensive  
 27 way with respect to what is suitable for minors, an actual or sim-  
 28 ulated sexual act or sexual contact, actual or simulated normal or  
 29 perverted sexual acts, or a lewd exhibition of the genitals; and  
 30 (iii) Taken as a whole, lacks serious literary, artistic, politi-  
 31 cal, or scientific value as to minors.

32 (2) Each board shall, by October 1, 2023, adopt a selection and access  
 33 policy that conforms to the provisions of this section. The policy shall  
 34 be adopted at an open meeting only after the public has had at least one (1)  
 35 month to consider the proposed policy and provide written comment or testi-  
 36 mony at an open meeting. The policy shall be reviewed at least once every  
 37 three (3) years and may be updated by the board at its discretion, provided  
 38 that any updated policy must also be adopted at an open meeting after the pub-  
 39 lic has had the opportunity to consider the proposed update and provide writ-  
 40 ten comment or testimony at an open meeting.

41 (3) A selection and access policy shall include:

- 42 (a) Standards for the selection of library collection materials, which  
 43 standards shall include a prohibition of materials harmful to minors;  
 44 (b) Standards for access to materials, including requirements for:  
 45 (i) Distinct, clearly identified shelving areas for children's,  
 46 teen, and adult materials; and  
 47 (ii) Labels that clearly identify a material as intended for a  
 48 specific audience; and

1 (c) A process under which a member of the community may challenge in-  
 2 clusion of certain materials in the library collection, which process  
 3 shall include an opportunity for the challenge to be presented at an  
 4 open meeting of the board and for members of the community to provide  
 5 input in response to the challenge.

6 (4) Each board shall adopt a library card policy that:

7 (a) Allows persons aged eighteen (18) years or older to sign up for a  
 8 card; and

9 (b) Allows persons under the age of eighteen (18) years to sign up for  
 10 a card with proof of parental consent. The consent shall be provided on  
 11 an application form prescribed by the board and must include the parent  
 12 or legal guardian's signature and driver's license number or the number  
 13 from another government-issued ID. The application form shall clearly  
 14 state and require initialed assent by a parent or legal guardian that  
 15 the library offers materials for all ages and that by authorizing a mi-  
 16 nor to have a library card, the parent or guardian acknowledges respon-  
 17 sibility for guiding that minor in use of the library and access to mate-  
 18 rials.

19 SECTION 3. That Chapter 27, Title 33, Idaho Code, be, and the same is  
 20 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 21 ignated as Section 33-2732, Idaho Code, and to read as follows:

22 33-2732. SELECTION AND ACCESS POLICY -- LIBRARY CARD POLICY. (1) For  
 23 purposes of this section:

24 (a) "Board" means the board of trustees of a library governed by this  
 25 chapter that receives public moneys and offers materials to the public.

26 (b) "Harmful to minors" means any picture, image, graphic image file,  
 27 or other visual depiction that:

28 (i) Taken as a whole and with respect to minors, appeals to a  
 29 prurient interest in nudity, sex, or excretion;

30 (ii) Depicts, describes, or represents in a patently offensive  
 31 way with respect to what is suitable for minors, an actual or sim-  
 32 ulated sexual act or sexual contact, actual or simulated normal or  
 33 perverted sexual acts, or a lewd exhibition of the genitals; and

34 (iii) Taken as a whole, lacks serious literary, artistic, politi-  
 35 cal, or scientific value as to minors.

36 (2) Each board shall, by October 1, 2023, adopt a selection and access  
 37 policy that conforms to the provisions of this section. The policy shall  
 38 be adopted at an open meeting only after the public has had at least one (1)  
 39 month to consider the proposed policy and provide written comment or testi-  
 40 mony at an open meeting. The policy shall be reviewed at least once every  
 41 three (3) years and may be updated by the board at its discretion, provided  
 42 that any updated policy must also be adopted at an open meeting after the pub-  
 43 lic has had the opportunity to consider the proposed update and provide writ-  
 44 ten comment or testimony at an open meeting.

45 (3) A selection and access policy shall include:

46 (a) Standards for the selection of library collection materials, which  
 47 standards shall include a prohibition of materials harmful to minors;

48 (b) Standards for access to materials, including requirements for:

1 (i) Distinct, clearly identified shelving areas for children's,  
2 teen, and adult materials; and

3 (ii) Labels that clearly identify a material as intended for a  
4 specific audience; and

5 (c) A process under which a member of the community may challenge in-  
6 clusion of certain materials in the library collection, which process  
7 shall include an opportunity for the challenge to be presented at an  
8 open meeting of the board and for members of the community to provide  
9 input in response to the challenge.

10 (4) Each board shall adopt a library card policy that:

11 (a) Allows persons aged eighteen (18) years or older to sign up for a  
12 card; and

13 (b) Allows persons under the age of eighteen (18) years to sign up for  
14 a card with proof of parental consent. The consent shall be provided on  
15 an application form prescribed by the board and must include the parent  
16 or legal guardian's signature and driver's license number or the number  
17 from another government-issued ID. The application form shall clearly  
18 state and require initialed assent by a parent or legal guardian that  
19 the library offers materials for all ages and that by authorizing a mi-  
20 nor to have a library card, the parent or guardian acknowledges respon-  
21 sibility for guiding that minor in use of the library and access to mate-  
22 rials.

23 SECTION 4. That Chapter 52, Title 33, Idaho Code, be, and the same is  
24 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
25 ignated as Section 33-5219, Idaho Code, and to read as follows:

26 33-5219. SCHOOL LIBRARY SELECTION AND ACCESS POLICY. (1) For purposes  
27 of this section:

28 (a) "Board" means the board of directors of a public charter school.

29 (b) "Harmful to minors" means any picture, image, graphic image file,  
30 or other visual depiction that:

31 (i) Taken as a whole and with respect to minors, appeals to a  
32 prurient interest in nudity, sex, or excretion;

33 (ii) Depicts, describes, or represents in a patently offensive  
34 way with respect to what is suitable for minors, an actual or sim-  
35 ulated sexual act or sexual contact, actual or simulated normal or  
36 perverted sexual acts, or a lewd exhibition of the genitals; and

37 (iii) Taken as a whole, lacks serious literary, artistic, politi-  
38 cal, or scientific value as to minors.

39 (2) Each board shall, by October 1, 2023, adopt a selection and access  
40 policy that conforms to the provisions of this section. The policy shall  
41 be adopted at an open meeting only after the public has had at least one (1)  
42 month to consider the proposed policy and provide written comment or testi-  
43 mony at an open meeting. The policy shall be reviewed at least once every  
44 three (3) years and may be updated by the board at its discretion, provided  
45 that any updated policy must also be adopted at an open meeting after the pub-  
46 lic has had the opportunity to consider the proposed update and provide writ-  
47 ten comment or testimony at an open meeting.

48 (3) A selection and access policy shall include:

- 1 (a) Standards for the selection of library collection materials, which
- 2 standards shall include a prohibition of materials harmful to minors;
- 3 (b) Standards for access to materials, including requirements for:
- 4 (i) Distinct, clearly identified shelving areas for students by
- 5 age group or grade level; and
- 6 (ii) Labels that clearly identify a material as intended for a
- 7 specific age group or grade level;
- 8 (c) A process under which the parent or legal guardian of a student may
- 9 challenge inclusion of certain materials in the library collection,
- 10 which process shall include an opportunity for the challenge to be pre-
- 11 sented at an open meeting of the board and for members of the community
- 12 to provide input in response to the challenge; and
- 13 (d) A process under which parents or legal guardians of students may re-
- 14 strict their child's access to certain materials.

15 SECTION 5. An emergency existing therefor, which emergency is hereby  
16 declared to exist, this act shall be in full force and effect on and after  
17 July 1, 2023.