**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4654**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cromer and Nutt

Companion/Similar bill(s): 4701

Document Path: LC-0387WAB24.docx

Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Education and Public Works**

Summary: Public school libraries

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Education and Public Works**

 1/9/2024 House Introduced and read first time

 1/9/2024 House Referred to Committee on **Education and Public Works**

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4654&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4654_20231214.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59‑31‑5 SO AS TO DEFINE NECESSARY TERMS; BY ADDING SECTION 59‑31‑15 SO AS TO PROVIDE FOR THE CREATION OF PUBLIC SCHOOL LIBRARY COLLECTION STANDARDS THAT PROHIBIT THE ACQUISITION OR RETENTION OF MATERIALS THAT ARE SEXUALLY EXPLICIT OR HARMFUL TO CHILDREN, TO MAKE THE ACQUISITION AND RETENTION OF SEXUALLY RELEVANT MATERIALS DISCRETIONARY FOR SCHOOL DISTRICTS, AND TO PROVIDE RELATED REQUIREMENTS FOR SCHOOL BOOK VENDORS, THE LIBRARY COMMITTEE, THE STATE BOARD OF EDUCATION, AND THE STATE DEPARTMENT OF EDUCATION, AMONG OTHER THINGS; BY ADDING SECTION 59‑31‑47 SO AS TO PROVIDE SCHOOL DISTRICTS SHALL NOT PROVIDE STUDENTS ACCESS TO SEXUALLY RELEVANT MATERIALS WITHOUT WRITTEN PARENTAL CONSENT; BY AMENDING SECTION 59‑31‑10, RELATING TO THE LIBRARY COMMITTEE, SO AS TO PROVIDE THE STATE LIBRARY COMMITTEE SHALL, SUBJECT TO APPROVAL BY THE STATE BOARD OF EDUCATION, DEVELOP CERTAIN VOLUNTARY STANDARDS FOR SCHOOL DISTRICT LIBRARY SERVICES AND MANDATORY STANDARDS FOR PUBLIC SCHOOL LIBRARY COLLECTION DEVELOPMENT, AND TO PROVIDE FOR THE PERIODIC REVIEW AND UPDATE OF SUCH STANDARDS; to provide DATES BY WHICH CERTAIN INITIAL REVIEW AND REPORTING REQUIREMENTS OF THE ACT MUST OCCUR; AND BY REPEALING SECTION 59‑31‑45 RELATING TO THE SELECTION OF TEXTBOOKS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 31, Title 59 of the S.C. Code is amended by adding:

 Section 59‑31‑5. For purposes of this chapter:

 (1) “School book vendor” includes any entity that sells a book to a public primary or secondary school in this State.

 (2) “Sexually explicit material” means any communication, language, or material, including, but not limited to, a written description, photographic image, video image, illustration, or audio file, excluding library material directly related to required curriculum, as referenced in Chapter 29, that describes or portrays sexual activity, as defined in Section 16‑15‑375, in a patently offensive way, as defined by Section 16‑15‑305(C)(2).

 (3) “Sexually relevant material” means any communication, language, or material, including a written description, photographic image, video image, or audio file, excluding library material directly related to required curriculum, as referenced in Chapter 29, that describes or portrays sexual activity, as defined in Section 16‑15‑375.

SECTION 2. Article 1, Chapter 31, Title 59 of the S.C. Code is amended by adding:

 Section 59‑31‑15. (A)(1) A school book vendor may not sell a book to a school district or charter school before issuing appropriate ratings related to sexually relevant material and sexually explicit material.

 (2) A school book vendor may not sell a book containing sexually explicit material to a school district or charter school.

 (3) Not later than September 1, 2024, each school book vendor shall develop and submit to the department a list of each book containing sexually relevant material or sexually explicit material sold by the vendor to a school district or charter school before that date.

 (4) Not later than September first of each subsequent year, each school book vendor shall submit to the department a list of books rated as sexually relevant material or sexually explicit material that were sold by the vendor to a school district or charter school during the preceding year.

 (5) The State Department of Education shall post each list submitted under item (3) or (4) on the department’s Internet website as soon as practicable.

 (B)(1) The department may review a book not rated by a school book vendor as sexually relevant material or sexually explicit material in accordance with subsection (A). If the department determines that the book is required to be rated as sexually relevant material or sexually explicit material under that subsection, the department shall provide written notice to the vendor. The notice must include information regarding the vendor’s duty under this section.

 (2) Not later than the sixtieth day after the date on which a school book vendor receives notice for a book under item (1), the vendor shall:

 (a) either:

 (i) rate the book as sexually relevant material; or

 (ii) rate the book as sexually explicit material and cease all sales of the book to a school district or charter school and issue a recall for all copies of the book sold to a school district or charter school; and

 (b) notify the department of the action taken under subsection (A).

 (3) The department shall maintain on its Internet website a list of school book vendors who fail to comply with item (2).

 (4) A school district or charter school may not purchase a book from a school book vendor on the list provided in item (3).

 (5) A school book vendor placed on the list provided in item (3) may petition the department for removal from the list. The department may remove a vendor from the list only if the department is satisfied that the vendor has taken appropriate action under item (2).

 (C) A school district or charter school is not liable for any claim or damage resulting from a school book vendor’s violation of this chapter.

 (D)(1) Not later than August first of every fifth year after the effective date of this section, each school district and charter school shall:

 (a) review the content of each book in the catalog of a district or school library that is rated as sexually relevant material under or included on a list submitted to the department under subsection (A)(2) or (3).

 (b) determine in accordance with the district’s or school’s policies regarding the approval, review, and reconsideration of school library materials whether to retain each book reviewed under subsection (A) in the school library catalog; and

 (c) submit to the department a report on the district’s or school’s actions under this subsection that includes:

 (i) the title of each book reviewed under subsection (A) and its rating; and

 (ii) the district’s or school’s decision regarding the book under subsection (B).

 (2) Not later than August first of each year, each school district or charter school shall submit to the department a report listing each book rated as sexually relevant material that was added to the catalog of a district or school library during the preceding year.

 (3) The department shall post on the department’s Internet website a report submitted under this section as soon as practicable after the report is received.

SECTION 3. Article 1, Chapter 31, Title 59 of the S.C. Code is amended by adding:

 Section 59‑31‑47. A school district or charter school may not allow a student enrolled in the district or school to access sexually relevant materials in the catalog of a school library at the district or school unless the district or school first obtains written consent from the student's parent or person standing in parental relation.

SECTION 4. Section 59‑31‑10 of the S.C. Code is amended to read:

 Section 59‑31‑10. (A) There shall be a library committee composed of the State Superintendent of Education, the director of the division of elementary education, the high school supervisor and four other members to be appointed by the State Superintendent of Education, two representing the elementary schools and two representing the high schools. All library books provided for under Article 3 of this chapter shall be selected from an approved list to be furnished the State Board of Education by the library committee, subject to the provisions of this chapter.

 (B) The library committee, with approval from the State Board of Education, shall adopt:

 (1) voluntary standards for school library services, other than collection development, that a school district shall consider in developing, implementing, or expanding library services in the district; and

 (2) mandatory standards for school library collection development that a school district shall adhere to in developing or implementing the library collection development policies in the district.

 (C) The standards adopted under subsection (B) must:

 (1) be reviewed and, if appropriate, updated at least twice each year; and

 (2) with respect to item (B)(2) only, include a collection development policy that:

 (a) prohibits the acquisition of material harmful to minors, as defined by Section 16‑15‑375;

 (b) prohibits the possession, acquisition, and purchasing of books rated sexually explicit material;

 (c) permits the exclusion from a school library of materials that are pervasively vulgar or educationally unsuitable; and

 (d) recognizes that obscene content is not protected by the First Amendment to the United States Constitution.

SECTION 5. (A) Not later than August 1, 2025, each school district and charter school shall conduct the initial content review and submit the initial report required under Section 59‑31‑15(D)(1).

 (B) Not later than September 1, 2024, each school book vendor shall submit the initial list required under Section 59‑31‑15(A)(3).

 (C) Not later than August 1, 2026, each school district and charter school shall submit the initial report required under Section 59‑31‑15(D)(2).

SECTION 6. Section 59‑31‑45 of the S.C. Code is repealed.

SECTION 7. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑