

**Sixty-eighth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1205  
(Representatives Lefor, Steiner)

AN ACT to create and enact a new section to chapter 12.1-27.1 of the North Dakota Century Code, relating to prohibiting public libraries from maintaining explicit sexual material; to provide for a legislative management report; and to provide for application.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 12.1-27.1 of the North Dakota Century Code is created and enacted as follows:

**Public libraries prohibited from maintaining explicit sexual material - Report.**

1. As used in this section:
  - a. "Explicit sexual material" means any material which:
    - (1) Taken as a whole, appeals to the prurient interest of minors;
    - (2) Is patently offensive to prevailing standards in the adult community in North Dakota as a whole with respect to what is suitable material for minors; and
    - (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
  - b. "Public library" means a library established under chapter 40-38.
2. A public library may not maintain in its children's collection inventory books that contain explicit sexual material.
3. By January 1, 2024, each public library shall develop a policy and process for reviewing library collections to ensure conformance with the requirements of this section. The policy must include a procedure:
  - a. For the removal or relocation of explicit sexual material in the public library;
  - b. For the development of a book collection that is appropriate for the age and maturity levels of the individuals who may access the materials, and which is suitable for, and consistent with, the purpose of the library;
  - c. For the public library to receive, evaluate, and respond to a request from an individual regarding the removal or relocation of one or more of the books or other materials in the library collection containing explicit sexual material; and
  - d. To periodically review the library collection to ensure the library collection does not contain explicit sexual material in the children's collection.
4. Each public library shall provide a compliance report to the legislative management before May 1, 2024, on the implementation of collection development and relocation of materials policies as required by this section and to ensure sufficient compliance with this section.

**SECTION 2. APPLICATION.** This Act applies to any children's book inventory maintained by a public library after March 31, 2024.

Dennis E. Johnson  
Speaker of the House

Tammy Miller  
President of the Senate

Buell J. Reich  
Chief Clerk of the House

Manda Morgan  
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1205.

House Vote:      Yeas 70              Nays 22              Absent 2

Senate Vote:    Yeas 39              Nays 7              Absent 1

Buell J. Reich  
Chief Clerk of the House

Received by the Governor at 10:30 AM on April 25, 2023.

Approved at 6:10 PM on April 25, 2023.

Doug Burgum  
Governor

Filed in this office this 26 day of April, 2023,

at 9:26 o'clock A M.

Michael Howe  
Secretary of State