

1 **SENATE FLOOR VERSION**

2 April 5, 2022

3 ENGROSSED HOUSE
4 BILL NO. 3702

By: Russ of the House

and

Weaver of the Senate

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8 An Act relating to schools; providing for digital or
9 online library database resources to students under
10 certain conditions; requiring safety policies and
11 technology protection measures for resources;
12 directing withholding of payments to noncompliant
13 vendor; providing for breach of contract based on
14 noncompliance; requiring certain employees to comply
15 with indecent exposure law; providing for
16 codification; and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 11-201 of Title 70, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A school district, charter school, virtual charter school,
22 state agency, public library, or university may offer digital or
23 online library database resources to students in kindergarten
24 through twelfth grade only if the vendor, person, or entity
providing the resources verifies that all the resources comply with
the provisions of subsection B of this section.

1 B. Digital or online library database resources offered by
2 school districts, charter schools, virtual charter schools, state
3 agencies, public libraries, or universities to students in
4 kindergarten through twelfth grade shall have safety policies and
5 technology protection measures that:

6 1. Prohibit and prevent a user of the resource from sending,
7 receiving, viewing, or downloading materials that are child
8 pornography or obscene materials, as defined in Section 1024.1 of
9 Title 21 of the Oklahoma Statutes, or materials that depict child
10 sexual exploitation, as defined in Section 843.5 of Title 21 of the
11 Oklahoma Statutes; and

12 2. Filter or block access to child pornography or obscene
13 materials, as defined in Section 1024.1 of Title 21 of the Oklahoma
14 Statutes, or materials that depict child sexual exploitation, as
15 defined in Section 843.5 of Title 21 of the Oklahoma Statutes.

16 C. Notwithstanding any contract provision to the contrary, if a
17 provider of digital or online library resources fails to comply with
18 the requirements of subsection B of this section, the school
19 district, public charter school, state agency, public library, or
20 university shall withhold further payments, if any, to the provider
21 pending verification of compliance.

22 D. If a provider of digital or online library database
23 resources fails to timely verify that the provider is in compliance
24 with the safety policies and requirements of subsection B of this

1 section, the school district, public charter school, state agency,
2 public library, or university shall consider the provider's act of
3 noncompliance a breach of contract.

4 E. No later than December 1 of each year, libraries shall
5 submit to the Speaker of the Oklahoma House of Representatives and
6 President Pro Tempore of the Oklahoma State Senate, an aggregate
7 written report on any issues related to provider compliance with
8 technology protection measures required by subsection B of this
9 section.

10 F. Employees of school districts, charter schools, virtual
11 charter schools, state agencies, public libraries, and universities
12 shall not be exempt from state law which prohibits indecent exposure
13 to obscene material or child pornography as provided in Section 1021
14 of Title 21 of the Oklahoma Statutes.

15 SECTION 2. This act shall become effective November 1, 2022.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
17 April 5, 2022 - DO PASS
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