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February 21, 2023

By: Pugh

An Act relating to libraries; amending Section 1, Chapter 280, O.S.L. 2022 (70 O.S. Supp. 2022, Section 11-202), which relates to digital or online library database resources; updating statutory language; providing certain construction; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 280, O.S.L.  
2022 (70 O.S. Supp. 2022, Section 11-202), is amended to read as  
follows:

Section 11-202. A. A school district, charter school, virtual charter school, state agency, public library, or ~~university~~ institution of higher education within The Oklahoma State System of Higher Education may offer digital or online library database resources to students in kindergarten 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~~ institution of higher education shall withhold further  
21 payments, if any, to the provider pending verification of  
22 compliance.

23 D. If a provider of digital or online library database  
24 resources fails to timely verify that the provider is in compliance

1 with the safety policies and requirements of subsection B of this  
2 section, the school district, public charter school, state agency,  
3 public library, or ~~university~~ institution of higher education shall  
4 consider the provider's act of noncompliance a breach of contract.

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

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

17 G. Nothing in this act shall be construed in a manner that  
18 applies to digital or online library database resources offered by  
19 institutions of higher education when the primary purpose of the  
20 resources is for education or research.

21 SECTION 2. This act shall become effective July 1, 2023.

22 SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health, or safety, an emergency is hereby  
24

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
4 February 21, 2023 - DO PASS  
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