

HB425 INTRODUCED



1 HB425
2 ZTSTRRR-1
3 By Representatives Yarbrough, Mooney, Butler, Harrison,
4 Whorton, Kiel
5 RFD: Judiciary
6 First Read: 04-Apr-24



SYNOPSIS:

Under existing law, the Alabama Anti-Obscenity Enforcement Act prohibits the distribution of certain obscene material.

Also under existing law, libraries and library employees or agents are exempt from the criminal provisions of the Anti-Obscenity Enforcement Act.

This bill would repeal the criminal exemption for libraries and library employees or agents from the Anti-Obscenity Enforcement Act.

This bill would prohibit the state or any library from supplying any minor with material containing sexual content.

This bill would prohibit a library from purchasing or accepting donated materials containing sexual content if the publisher of the material has recommended it for minors.

This bill would prohibit any entity that receives state funds and any library from affiliating with the American Library Association.

This bill would authorize the Attorney General or district attorney to initiate a civil action for a violation of this act.

This bill would authorize the parent or guardian of a minor who is provided sexual content in violation



HB425 INTRODUCED

of this act to bring a cause of action against the offending entity.

This bill would also authorize a parent or guardian to seek an injunction against a library that purchases or accepts a donation of sexual content in violation of this act.

A BILL
TO BE ENTITLED
AN ACT

Relating to the provision of sexual content to minors; to prohibit certain entities from providing minors with materials containing sexual content in certain circumstances; to prohibit a library from purchasing or receiving certain materials recommended for minors that contain sexual content; to prohibit libraries and certain entities that receive state funds from affiliating with the American Library Association; to create a cause of action for the Attorney General, district attorneys, and certain parents or guardians; and to repeal Section 13A-12-200.10, Code of Alabama 1975, relating to the criminal liability of libraries and their employees or agents.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the purposes of this act, the following terms have the following meanings:

(1) GENDER IDEOLOGY. The theory that: (i) there are more genders than male and female; and (ii) gender is a social



HB425 INTRODUCED

construct subject to change based on the opinions and feelings of the individual.

(2) LIBRARY. A library established for free public purposes by a county, municipality, or other local governmental body. This term includes any library associated with a public K-12 school.

(3) MINOR. An unmarried individual under 18 years of age.

(4) SEXUAL CONDUCT. The same meaning as Section 13A-12-200.1, Code of Alabama 1975.

(5) SEXUAL CONTENT. Any material, including physical, digital, or audio material, that includes content regarding sexual conduct, sexuality, or gender ideology that the average individual, applying contemporary community standards, would find inappropriate for a minor to consume without the permission of his or her parent or guardian. This term does not include legitimate educational materials including, but not limited to, age appropriate content related to biology, human anatomy, or religion.

(6) STATE. Each of the following:

- a. The state, a county, or a municipality.
- b. A state, county, or municipal official.
- c. Any other political subdivision of the state.

(7) SUPPLY. To sell, rent, lend, or transfer possession or title.

Section 2. (a) The state, a library, and any other entity that receives state or local funds may not supply any minor with any sexual content.



HB425 INTRODUCED

(b) (1) No library may purchase any sexual content, if the publisher of the material has recommended the material for individuals under 18 years of age.

(2) No library may accept any donated sexual content, if the publisher of the material has recommended the material for individuals under 18 years of age.

(3) For the purposes of this section, materials include physical, digital, and audio materials.

Section 3. No entity that is appropriated any funds by the Legislature, including the state and any library in this state, may affiliate with the American Library Association. For purposes of this section, affiliation includes, but is not limited to, membership, training, or certification with the association.

Section 4. (a) When there is reason to believe that any person is violating or is about to violate this act, the Attorney General or district attorney may initiate a civil action in the circuit court in the name of the State of Alabama against the person for preliminary and permanent injunctive relief to prevent or enjoin the violation, in the same manner as provided in Section 13A-12-200.7, Code of Alabama 1975.

(b) (1) The parent or guardian of any minor who is provided sexual content in violation of this act may bring a cause of action against the offending entity.

(2) Available remedies for a cause of action brought under this subsection include, but are not limited to: (i) injunctive relief; (ii) compensatory damages; (iii) punitive



HB425 INTRODUCED

damages; and (iv) reasonable attorney fees and court costs.

(c)(1) If a library purchases any sexual content in violation of Section 2 or accepts as a donation any sexual content in violation of Section 2, a parent or guardian may seek injunctive relief to prevent or enjoin the violation.

(2) Available remedies for a cause of action brought under this subsection include: (i) injunctive relief; and (ii) reasonable attorney fees and costs.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. Section 13A-12-200.10, Code of Alabama 1975, relating to the criminal liability of libraries and their employees or agents, is repealed.

Section 7. This act shall become effective on October 1, 2024.