An Act

ENROLLED SENATE
BILL NO. 322

By: Seifried of the Senate

and

West (Tammy), McBride, and
Moore of the House

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.

SUBJECT: Digital or online library database resources

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.

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

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

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

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

D. If a provider of digital or online library database resources fails to timely verify that the provider is in compliance with the safety policies and requirements of subsection B of this section, the school district, public charter school, state agency, public library, or ~~university~~ institution of higher education shall consider the provider's act of noncompliance a breach of contract.

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

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

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

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

SECTION 3. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 24th day of May, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 23, at 3:40 o'clock p. M.

By: Summer Cussy

Approved by the Governor of the State of Oklahoma this 9th

day of June, 20 23, at 3:13 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 9th

day of June, 20 23, at 4:00 o'clock P. M.

By: Brian Bingman