

SENATE BILL No. 358

By Committee on Federal and State Affairs

1-18

1 AN ACT concerning books or other media; prohibiting school districts and
2 local libraries from prohibiting, banning or restricting books or other
3 media unless certain requirements are met.

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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Except as provided in subsection (c), no board of
7 education of a school district shall prohibit, ban or restrict access to any
8 book or other media in such school district based on:

9 (1) Partisan or doctrinal disapproval; or
10 (2) the origin, background or view of the person contributing to the
11 creation of the book or other media.

12 (b) Notwithstanding the provisions of subsection (a), the board may
13 prohibit, ban or restrict access to a book or other media if:

14 (1) A person requesting prohibition, ban or restriction is a resident of
15 the school district and attests to having read the book in its entirety or
16 having viewed, listened to or otherwise perceived the other media in its
17 entirety and provides the board a detailed list of the reasons such book or
18 other media should be prohibited, banned or restricted; and

19 (2) at least 5% of the qualified electors in the school district have
20 signed onto the request to prohibit, ban or restrict such book or other
21 media.

22 (c) This section shall not apply to any age-based restriction on
23 obscene or pornographic material.

24 (d) Nothing in this section shall be construed to require a school
25 district to acquire or provide any specific book or other media.

26 Sec. 2. (a) Except as provided in subsection (c), no local library shall
27 prohibit, ban or restrict access to any book or other media in such library
28 based on:

29 (1) Partisan or doctrinal disapproval; or
30 (2) the origin, background or view of the person contributing to the
31 creation of the book or other media.

32 (b) Notwithstanding the provisions of subsection (a), the library may
33 prohibit, ban or restrict access to a book or other media if:

34 (1) A person requesting prohibition, ban or restriction is a resident of
35 the locality the library serves and attests to having read the book in its
36 entirety or having viewed, listened to or otherwise perceived the other

1 media in its entirety and provides the board a detailed list of the reasons
2 such book or other media should be prohibited, banned or restricted; and

3 (2) at least 5% of the qualified electors in the locality the library
4 serves have signed onto the request to prohibit, ban or restrict such book or
5 other media.

6 (c) This section shall not apply to:

7 (1) Age-based restrictions on obscene or pornographic material;

8 (2) any library operated by a county jail or correctional institution, as
9 defined in K.S.A. 75-5202, and amendments thereto; or

10 (3) any library operated by a state institution for persons with
11 intellectual disability or state psychiatric hospital, as such terms are
12 defined in K.S.A. 40-3401, and amendments thereto.

13 (d) Nothing in this section shall be construed to require a school
14 district to acquire or provide any specific book or other media.

15 Sec. 3. This act shall take effect and be in force from and after its
16 publication in the statute book.