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## Children and the Internet

### Laws Relating to Filtering, Blocking and Usage Policies in Schools and Libraries

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#### Overview

[Federal Children's Internet Protection Act \(CIPA\)](#)

[U.S. Supreme Court Ruling on CIPA](#)

[State Filtering / Blocking Laws](#)

#### Overview of State Laws

Twenty-four states have Internet filtering laws that apply to publicly funded schools or libraries. The majority of these states simply require school boards or public libraries to adopt Internet use policies to prevent minors from gaining access to sexually explicit, obscene or harmful materials. However, some states also require publicly funded institutions to install filtering software on library terminals or school computers.

#### **Federal Children's Internet Protection Act (CIPA)**

Congress in 2000 enacted the Children's Internet Protection Act (CIPA) as part of the Consolidated Appropriations Act. The act provides three different types of funding: 1) aid to elementary and secondary schools; 2) Library Services and Technology Act (LSTA) grants to states for support of public libraries; and 3) the E-rate program that provides technology discounts to schools and public libraries.

CIPA requires public libraries that participate in the LSTA and E-rate programs to certify that they are using computer filtering software to prevent the on-screen depiction of obscenity, child pornography or other material harmful to minors. The act allows adult library patrons to request that a librarian disable the filtering software. In order to receive E-rate discounts, libraries are not allowed to disable filtering programs for minor users. The federal Communications Commission website provides [background information about the Children's Internet Protection Act](#).

#### **Supreme Court Ruling on CIPA**

In June 2003, the U.S. Supreme Court upheld CIPA, overturning an earlier court ruling that had prevented the law from taking effect in libraries. In *United States v. American Library Association*, the court ruled that CIPA does not violate the First Amendment, even though it may block some legitimate sites, because libraries may disable the filters for adult patrons upon request.

#### **State Laws**

STATE	CITATION	APPLIES TO SCHOOLS	APPLIES TO LIBRARIES	SUMMARY
ARIZONA	Ariz. Rev. Stat. Ann. § 34-501 to -502	X	X	Requires public libraries to install software or develop policies to prevent minors from gaining access on the Internet to materials harmful to minors. Requires public schools to install computer software that would prevent minors from gaining access to materials harmful to minors.
ARKANSAS	Ark. Code § 6-21-107, § 13-2-103	X	X	Requires school districts to develop a policy and to adopt a system to prevent computer users from accessing materials harmful to minors. Requires public libraries to adopt a policy to prevent minors from gaining access to materials harmful to them.
CALIFORNIA	Cal. Ed. Code § 18030.5		X	Requires public libraries that receive state funds to adopt a policy regarding Internet access by minors.
COLORADO	Colo. Rev. Stat. § 24-90-401 to 404; § 24-90-603; § 22-87-101 to 107	X	X	Requires public schools to adopt and enforce reasonable policies of Internet safety that will protect children from obtaining harmful material. Provides grants to publicly supported libraries, including school libraries, that equip public access computers with filtering software and that have policies to restrict minors from accessing obscene or illegal information. Requires public libraries to adopt a policy of Internet safety for minors that includes the operation of a technology protection measure for computers with Internet access.

DELAWARE	Del. Code tit. 29 § 6601C-6607C		X	Requires public libraries to have acceptable use policies and prohibits the use of library computers or mobile devices to access illegal or obscene materials. The minor's parent or guardian must specify the level of access to the Internet the minor may have.
GEORGIA	Ga. Code § 20-2-324, § 20-5-5	X	X	Requires public schools and public libraries to adopt and enforce reasonable policies of Internet safety that will protect children from access to harmful material. Prohibits a public school or library from receiving state funds unless it implements and enforces the acceptable-use policy.
IDAHO	Idaho Code § 33-132	X		Requires each local school district in the state to adopt and file an Internet use policy with the state superintendent of public instruction. The policy, approved by the local board of trustees, shall require filtering technology that blocks Internet materials that are harmful to minors, establish disciplinary measures for violators, and provide a component of Internet safety to be integrated into the schools instructional program.
INDIANA	Ind. Code 36-12-1-12		X	Requires public library boards to adopt a policy concerning the appropriate use of the Internet or other computer network by library patrons in all areas of the library. The policy must be readily available to all library patrons and each board must review the policy annually.
IOWA	Iowa Code § 256.57(2)		X	Requires public libraries that apply for and receive state "Enrich Iowa Program" money to have and Internet use policy in place.
KENTUCKY	Ky. Rev. Stat. § 156.675	X	X	Requires the Department of Education to develop regulations to prevent sexually explicit material from being transmitted via education technology systems.
LOUISIANA	La. Rev. Stat. Ann. § 17:100.7	X		Requires schools to adopt policies regarding students' and school employees' access to certain Internet and online sites.
MARYLAND	Md. Code art. 23 § 506.1		X	Requires county-state libraries to adopt policies to prevent minors from obtaining access to obscene materials via the Internet.
MASSACHUSETTS	Mass. Gen. Laws 71 § 93	X		Requires public schools providing computer access to students to have a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the Internet.
MICHIGAN	Mich. Comp. Laws § 397.602, § 397.606		X	Requires libraries to use a system to prevent minors from viewing obscene or sexually explicit matter, or to reserve separate terminals exclusively for adults or children so as to prevent minors' access to obscene or sexually explicit matter.
MINNESOTA	Minn. Stat. § 134.5		X	Requires public library computers with access to the Internet available for use by children to be equipped to restrict, including by use of available software filtering technology or other effective methods, access to material that is reasonably believed to be obscene or child pornography or material harmful to minors. Also requires public libraries that receive state money to prohibit, including through the use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography.
MISSOURI	Mo. Rev. Stat. §§ 182.825, 182.827	X	X	Requires public school and public libraries with public access computers to either (a) equip the computer with software or a service to restrict minors' access to material that is pornographic for minors, or (b) develop a policy that establishes measures to restrict minors from gaining access to such material.
NEW HAMPSHIRE	N.H. Rev. Stat. Ann. § 194:3-d	X		Requires school boards to adopt a policy regarding Internet access for school computers, and establishes liability for violation of the policy.
NEW YORK	N.Y. Ed. Law § 260(12)		X	Requires public libraries to establish policies concerning patron use of computers.
OHIO	ORC § 3314.21	X		Requires internet- or computer-based community schools to use a filtering device or install filtering software that protects against Internet access to materials that are

				obscene or harmful to juveniles. Requires the schools to provide free filtering devices or software to students who work from home.
<b>PENNSYLVANIA</b>	24 P.S. § 4604 to 24 P.S. § 4612	X	X	Requires school boards and publicly-funded libraries to adopt and enforce acceptable use policies for Internet access that include the (1) use of software programs reasonably designed to block access to visual depictions of obscenity, child pornography or material that is harmful to minors; or (2) selection of online servers that block access to visual depictions of obscenity, child pornography or material that is harmful to minors.
<b>SOUTH DAKOTA</b>	S.D. Codified Laws Ann. § 22-24-55 to 59	X		Requires schools to equip computers with filtering software or to adopt policies to restrict minors from access to obscene materials.
<b>SOUTH CAROLINA</b>	S.C. Code Ann. § 10-1-205 to -206	X		Requires publicly funded libraries and public school libraries to adopt policies intended to reduce the ability of the user to access websites displaying obscene material. Also establishes a pilot program to evaluate the use of filtering software in libraries.
<b>TENNESSEE</b>	Tenn. Code § 49-1-221	X		Requires the development of acceptable Internet use policies for public and private schools to protect children from certain online material.
<b>UTAH</b>	Utah Code Ann. § 9-7-215, 9-7-216	X	X	Prohibits a public library from receiving state funds unless the library enforces measures to filter Internet access to certain types of images; allows a public library to block materials that are not specified in this bill; and allows a public library to disable a filter under certain circumstances. Requires local school boards to adopt and enforce a policy to restrict access to Internet or online sites that contain obscene material.
<b>VIRGINIA</b>	Va. Code § 22.1-70.2, § 42.1-36.1	X	X	Requires public libraries to adopt Internet use policies. Requires public schools to adopt Internet use policies that 1) prohibit transmitting or viewing illegal material on the Internet, 2) prevent access by students to materials the school determines harmful, 3) select technology to filter or block child pornography and obscenity. Requires each school division to post its Internet use policies on its website.

**OTHER RELATED STATE LAWS :**

STATE	CITATION	SUMMARY
<b>FLORIDA</b>	Fla. Stat. § 257.12 (3)	Encourages public libraries to adopt an Internet safety education program, including the implementation of a computer-based educational program.
<b>LOUISIANA</b>	La. Rev. Stat. § 51:1426	Requires Internet service providers to make available to subscribers who are Louisiana residents a product or service that enables the subscriber to control a child's use of the Internet.
<b>MARYLAND</b>	Md. Code § 14-3701 et seq.	Requires Internet service providers to make parental controls that enable blocking or filtering of websites available to subscribers in the state.
<b>NEVADA</b>	Nev. Rev. Stat. § 603.100 to 603.170	Requires Internet service providers to offer, under certain circumstances, products or services that enable subscribers to regulate and monitor a child's use of the Internet.
<b>TEXAS</b>	Tex. Bus. & Comm. Code §§ 35.101 to 35.103	Requires an interactive computer service provider to place a link to free or shareware filtering software conspicuously on the first accessible web page of the service provider. Establishes a civil penalty of \$2,000 for each day the provider fails to comply.
<b>UTAH</b>	Utah Code § 76-10-1231	Requires Internet service providers, upon request by a consumer, to provide in-network filtering or filtering software to prevent transmission of material harmful to minors.

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