

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025

# A Bill

HOUSE BILL 1977

4  
5 By: Representative Bentley  
6 By: Senator A. Clark

## For An Act To Be Entitled

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8  
9 AN ACT TO CREATE THE PROTECTING CHILDHOOD INNOCENCE  
10 IN LIBRARIES ACT; AND FOR OTHER PURPOSES.

## Subtitle

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14 TO CREATE THE PROTECTING CHILDHOOD  
15 INNOCENCE IN LIBRARIES ACT.

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. DO NOT CODIFY. Legislative findings.

20 The General Assembly finds that:

21 (1) Parents of young children have a right to determine when and  
22 how their children should be educated about sex;

23 (2) Children's sections of public libraries and public school  
24 libraries have traditionally taken care to curate materials that are age-  
25 appropriate for children;

26 (3) Exposure to a wide range of books is important for the  
27 educational development of Arkansas children;

28 (4) Children should be able to freely browse books within a  
29 children's library section without exposure to sexually explicit material or  
30 to sex education materials without parental consent; and

31 (5) Taxpayer-funded libraries should assist parents in  
32 facilitating educational opportunities for their children by ensuring  
33 children's library sections provide age-appropriate materials free of  
34 sexually explicit material.

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36 SECTION 2. DO NOT CODIFY. Title.



1       This act shall be known and may be cited as the "Protecting Childhood  
2 Innocence in Libraries Act".

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4       SECTION 3. Arkansas Code Title 6, Chapter 21, Subchapter 1, is amended  
5 to add an additional section to read as follows:

6       6-21-122. Sexually explicit material in children's library areas  
7 prohibited — Cause of action — Definitions.

8       (a) A public school library in this state shall take reasonable steps  
9 to ensure that sexually explicit material is not located on open shelving  
10 within children's library areas.

11       (b) Sex education materials shall not be placed on open shelving  
12 within a children's library section but may be made accessible or checked out  
13 by a child twelve (12) years of age or under upon parent or guardian request.

14       (c)(1) A parent or guardian whose child has been exposed to sexually  
15 explicit material in a children's section of a library has a private cause of  
16 action for damages and declaratory and injunctive relief against a public  
17 school library that fails to take reasonable steps to place only age-  
18 appropriate materials in a children's library section.

19       (2) A civil action brought under subdivision (c)(1) of this  
20 section shall be commenced within two (2) years of the date of the cause of  
21 action.

22       (3) An individual who prevails in a civil action under  
23 subdivision (c)(1) of this section may recover from the public school library  
24 that failed to take reasonable steps to avoid placing sexually explicit  
25 material on open shelving within a children's library section:

26               (A) Reasonable attorney fees; and

27               (B) Costs.

28       (d) As used in this section:

29       (1) "Age-appropriate material" means materials primarily for  
30 children twelve (12) years of age and under that are free of sexually  
31 explicit material;

32       (2) "Children's library section" means sections of a library  
33 that are organized primarily for children twelve (12) years of age and under;

34       (3) "Open shelving" means library shelving and library displays  
35 where materials can be freely accessed by children without assistance;

36       (4) "Sex education materials" means materials that are designed

1 to educate students about the facts of sexual reproduction; and

2 (5)(A) "Sexually explicit material" means material that depicts  
3 or describes with a high level of graphic detail or descriptive language:

4 (i) The penetration of the anus or mouth of a person  
5 by the penis of another person;

6 (ii) The penetration of the labia majora or anus of  
7 a person by any bodily member or foreign instrument manipulated by another  
8 person; or

9 (iii) Sexually explicit conduct as defined in § 5-  
10 27-302.

11 (B) "Sexually explicit material" does not include:

12 (i) Sex education material; or

13 (ii) Material that mentions an occurrence of sexual  
14 intercourse, sexual acts, or sexual attraction without a high level of  
15 graphic detail or descriptive language.

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17 SECTION 4. Arkansas Code Title 13, Chapter 2, Subchapter 1, is amended  
18 to add an additional section to read as follows:

19 13-2-108. Sexually explicit material in children's library areas  
20 prohibited — Cause of action — Definitions.

21 (a) A taxpayer-funded library in this state shall take reasonable  
22 steps to ensure that sexually explicit material is not located on open  
23 shelving within children's library areas.

24 (b) Sex education materials shall not be placed on open shelving  
25 within a children's library section but may be made accessible or checked out  
26 by a child twelve (12) years of age or under upon parent or guardian request.

27 (c)(1) A parent or guardian whose child has been exposed to sexually  
28 explicit material in a children's section of a library has a private cause of  
29 action for damages and declaratory and injunctive relief against a taxpayer-  
30 funded library that fails to take reasonable steps to place only age-  
31 appropriate materials in a children's library section.

32 (2) A civil action brought under subdivision (c)(1) of this  
33 section shall be commenced within two (2) years of the date of the cause of  
34 action.

35 (3) An individual who prevails in a civil action under  
36 subdivision (c)(1) of this section may recover from the taxpayer-funded

1 library that failed to take reasonable steps to avoid placing sexually  
 2 explicit material on open shelving within a children’s library section:

- 3 (A) Reasonable attorney fees; and
- 4 (B) Costs.

5 (d) As used in this section:

6 (1) “Age-appropriate material” means materials primarily for  
 7 children twelve (12) years of age and under that are free of sexually  
 8 explicit material;

9 (2) “Children’s library section” means sections of a library  
 10 that are organized primarily for children twelve (12) years of age and under;

11 (3) “Open shelving” means library shelving and library displays  
 12 where materials can be freely accessed by children without assistance;

13 (4) “Sex education materials” means materials that are designed  
 14 to educate students about the facts of sexual reproduction;

15 (5)(A) “Sexually explicit material” means material that depicts  
 16 or describes with a high level of graphic detail or descriptive language:

17 (i) The penetration of the anus or mouth of a person  
 18 by the penis of another person;

19 (ii) The penetration of the labia majora or anus of  
 20 a person by any body member or foreign instrument manipulated by another  
 21 person; or

22 (iii) Sexually explicit conduct as defined in § 5-  
 23 27-302.

24 (B) “Sexually explicit material” does not include:

25 (i) Sex education material; or

26 (ii) Material that mentions an occurrence of sexual  
 27 intercourse, sexual acts, or sexual attraction without a high level of  
 28 graphic detail or descriptive language; and

29 (6) “Taxpayer-funded library” means a library that receives  
 30 funds from any type of state or local taxes, including without limitation a:

31 (A) County library; or

32 (B) Municipal library.

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