

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10256-NG-119

Short Title: Parental Rights for Curriculum and Books. (Public)

Sponsors: Representative Torbett.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO PROVIDE CHANGES TO THE STANDARD COURSE OF STUDY IN
HEALTH EDUCATION, ENSURE AGE-APPROPRIATE INSTRUCTION FOR
STUDENTS, ESTABLISH A PROCESS FOR SELECTION OF LIBRARY BOOKS AND
HEALTH AND SAFETY INSTRUCTIONAL AND SUPPLEMENTAL MATERIALS,
REQUIRE INSTRUCTIONAL MATERIAL REPOSITORIES, AND RESTRICT ACCESS
IN PUBLIC LIBRARIES FOR STUDENTS TO MATERIALS HARMFUL TO MINORS.

The General Assembly of North Carolina enacts:

PART I. STANDARD COURSE OF STUDY CHANGES

SECTION 1.1. Article 8 of Chapter 115C of the General Statutes is amended by
adding a new section to read:

"§ 115C-81.16. Age-appropriate instruction for students.

(a) Instruction on gender identity, sexual activity, or sexuality shall not be included in the curriculum provided in grades kindergarten through sixth grade, regardless of whether the information is provided by school personnel or third parties. For the purposes of this section, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include verbal responses to student-initiated questions. Instruction provided in accordance with G.S. 115C-81.29 with parental consent does not violate this section.

(b) A student in grades seven through 12 shall not participate in instruction on gender identity, sexual activity, or sexuality without the prior written consent of the student's parent or legal guardian. Each governing board of a public school unit shall adopt a policy and provide a mechanism to allow a parent or a legal guardian to consent to instruction required under this section on an annual basis."

SECTION 1.2. G.S. 115C-81.25 reads as rewritten:

"§ 115C-81.25. Health education.

(a) Comprehensive health education instruction shall be developed and taught to students from kindergarten through ninth grade.

(b) The State Board of Education shall do all of the following:

- (1) Supervise the development and operation of the statewide comprehensive school health education program, including curriculum development, teacher professional development, promotion of training in teacher preparation programs, learning material review, and assessment and evaluation of local programs in the same manner as for other programs.



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- (2) Adopt objectives for the instruction of the subject areas listed in this section that are appropriate for each grade level.
- (3) Approve textbooks and other materials incorporating these objectives that local school administrative units may purchase with State funds.
- (c) The State Board of Education, through the Department of Public Instruction, shall, on a regular basis, review materials related to these objectives and distribute these reviews to local school administrative units for their information. This program includes age-appropriate instruction in the following subject areas, regardless of whether this instruction is described as, or incorporated into a description of, "family life education," "family health education," "health education," "family living," "health," "healthful living curriculum," or "self-esteem":
- (1) Mental and emotional health.
 - (2) Drug and alcohol abuse prevention.
 - (3) Nutrition.
 - (4) Dental health.
 - (5) Environmental health.
 - (6) Family living.
 - (7) Consumer health.
 - (8) Disease control.
 - (9) Growth and development, consistent with the requirements of G.S. 115C-81.29.
 - (10) First aid and emergency care, including the teaching of cardiopulmonary resuscitation (CPR) and the Heimlich maneuver by using hands-on training with mannequins so that students pass a test approved by the American Heart Association or American Red Cross. For the purposes of this subdivision, schools shall do all of the following:
 - a. Use an instructional program developed by the American Heart Association, the American Red Cross, or other nationally recognized programs that is based on the most current national evidence-based emergency cardiovascular care guidelines for CPR.
 - b. Maintain documentation in an electronic database that students have successfully completed CPR instruction to meet healthful living essential standards.
 - c. Require successful completion of instruction in CPR to be a requirement for high school graduation by the 2014-2015 school year.
 - (11) Preventing sexually transmitted diseases, including HIV/AIDS, and other communicable diseases. As used in this section, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
 - (12) Reproductive health and safety education.
 - (13) Bicycle safety.
- (d) Parental Review. – The State Board of Education shall make available to all local school administrative units for review by the parents and legal guardians of students enrolled at those units any State-developed objectives for instruction, any approved textbooks, the list of reviewed materials, and any other State-developed or approved materials that pertain to or are intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, to the avoidance of out-of-wedlock pregnancy, or to the reproductive health and safety education curriculum. The review period shall extend for at least 60 days before use.
- (e) Duty of Local School Administrative Units. – Each local school administrative unit shall provide a comprehensive school health education program that meets all the requirements of this section and all the objectives established by the State Board. Each local board of education

may expand on the subject areas to be included in the program and on the instructional objectives to be met."

SECTION 1.3. Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-81.29. Human growth and development for elementary school students.

(a) Each public school unit shall provide a human growth and development program in grades four and five. Materials used in this instruction shall be age-appropriate for use with students and shall not include information on gender identity, sexual activity, or sexuality. Information conveyed during the instruction shall be objective and based upon scientific research that is peer-reviewed and accepted by professionals and credentialed experts in any of the following fields: medicine, human anatomy, biology, or health education. A human growth and development program provided by the public school unit shall do the following:

(1) Fourth grade. – Students in fourth grade shall be instructed in single-sex student groups as follows:

a. Summarize biological changes during puberty.

b. Recognize that individuals experience puberty at different rates.

(2) Fifth grade. – Students in fifth grade shall be instructed in single-sex student groups as follows:

a. Recall that puberty is characterized by the development of secondary sex characteristics and onset of reproductive capacity.

b. Differentiate between accurate and inaccurate sources of information about puberty and development.

c. Summarize the functions of the male and female reproductive systems.

d. Illustrate how societal influences can impact reproductive health behavioral choices and consequences.

e. Summarize normal weight gain and body changes during puberty.

(b) Each governing body of a public school unit shall adopt a policy and provide a mechanism to allow a parent or a legal guardian to consent to instruction required under this section on an annual basis. A student shall not participate in instruction required under this section without the prior written consent of the student's parent or legal guardian.

(c) In implementing this section, a governing body of a public school unit shall not expand beyond the subject areas provided in this section."

SECTION 1.4. G.S. 115C-81.30 reads as rewritten:

"§ 115C-81.30. Reproductive health and safety education provided by ~~local~~ public school administrative units.

(a) Reproductive health and safety education shall not be provided prior to seventh grade. Each ~~local~~ public school administrative unit shall provide a reproductive health and safety education program commencing in the seventh grade. Materials used in this instruction shall be age-appropriate for use with students. Law enforcement agencies, criminal justice agencies, and nongovernmental organizations with experience in sex-trafficking prevention and awareness may provide materials and information. Information conveyed during the instruction shall be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in any of the following fields: sexual health education, adolescent psychology, behavioral counseling, medicine, human anatomy, biology, ethics, or health education. Reproductive health and safety instruction provided by the ~~local~~ public school administrative units shall do the following:

(1) Teach that abstinence from sexual activity outside of marriage is the expected standard for all school-age children.

(2) Present techniques and strategies to deal with peer pressure and offering positive reinforcement.

- (3) Present reasons, skills, and strategies for remaining or becoming abstinent from sexual activity.
 - (4) Teach that abstinence from sexual activity is the only certain means of avoiding out-of-wedlock pregnancy, sexually transmitted diseases when transmitted through sexual contact, including HIV/AIDS, and other associated health and emotional problems. As used in this section, "HIV/AIDS" means Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome.
 - (5) Teach that a mutually faithful monogamous heterosexual relationship in the context of marriage is the best lifelong means of avoiding sexually transmitted diseases, including HIV/AIDS.
 - (6) Teach the positive benefits of abstinence until marriage and the risks of premarital sexual activity.
 - (7) Provide opportunities that allow for interaction between the parent or legal guardian and the student.
 - (8) Provide factually accurate biological or pathological information that is related to the human reproductive system.
 - (9) Teach about the preventable risks for preterm birth in subsequent pregnancies, including induced abortion, smoking, alcohol consumption, the use of illegal drugs, and inadequate prenatal care.
 - (10) Teach about sexually transmitted diseases. Instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases. Instruction shall include the rates of infection among pre-teen and teens of each known sexually transmitted disease and the effects of contracting each sexually transmitted disease. In particular, the instruction shall include information about the effects of contracting the Human Papilloma Virus, including sterility and cervical cancer.
 - (11) Teach about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy.
 - (12) Teach awareness of sexual assault, sexual abuse, and risk reduction. The instruction and materials shall:
 - a. Focus on healthy relationships.
 - b. Teach students what constitutes sexual assault and sexual abuse, the causes of those behaviors, and risk reduction.
 - c. Inform students about resources and reporting procedures if they experience sexual assault or sexual abuse.
 - d. Examine common misconceptions and stereotypes about sexual assault and sexual abuse.
 - (13) Teach about sex trafficking prevention and awareness. Each ~~local~~ public school ~~administrative~~ unit shall:
 - a. Collaborate with a diverse group of outside consultants where practical, including law enforcement with expertise in sex-trafficking prevention education, to address the threats of sex trafficking.
 - b. Collaborate with a diverse group of outside consultants, including law enforcement with expertise in sex trafficking, on a referral protocol for high-risk pupils and minors.
- (b) ~~Each local board of education governing body of a public school unit shall adopt a policy and provide a mechanism to allow a parent or a legal guardian to withdraw his or her child from consent annually to~~ instruction required under subdivisions (10) through (13) of subsection

(a) of this section. A student shall not participate in instruction required under subdivisions (10) through (13) of subsection (a) of this section without the prior written consent of the student's parent or legal guardian.

(c) Parental Review and Consent. – Each school year, before students may participate in any portion of (i) a program that pertains to or is intended to impart information or promote discussion or understanding in regard to the prevention of sexually transmitted diseases, including HIV/AIDS, or to the avoidance of out-of-wedlock pregnancy or (ii) a reproductive health and safety education program, whether developed by the State or by the ~~local board of education, governing body of the public school unit~~, the parents and legal guardians of those students shall be given an opportunity to review the objectives and materials as provided in G.S. 115C-81.25(d). ~~Local boards of education~~ Governing bodies of public school units shall adopt policies to provide opportunities either for parents and legal guardians to consent or for parents and legal guardians to withhold their consent annually to the students' participation in any or all of these programs. A student shall not participate in any program referenced in this section without the prior written consent of the student's parent or legal guardian.

(d) Information on Contraceptives and Abortion Referral Services. – Students may receive information about where to obtain contraceptives and abortion referral services only ~~in accordance with a local board's policy regarding~~ with written parental consent. Any instruction concerning the use of contraceptives or prophylactics shall provide accurate statistical information on their effectiveness and failure rates for preventing pregnancy and sexually transmitted diseases, including HIV/AIDS, in actual use among adolescent populations and shall explain clearly the difference between risk reduction and risk elimination through abstinence. The Department of Health and Human Services shall provide the most current available information at the beginning of each school year.

(e) Prohibition on Distribution of Contraceptives. – Contraceptives, including condoms and other devices, shall not be made available or distributed on school property.

(f) School Health Coordinators. – School health coordinators may be employed to assist in the instruction of any portion of the comprehensive school health education program. Where feasible, a school health coordinator should serve more than one local school administrative unit. Each person initially employed as a State-funded school health coordinator after June 30, 1987, shall have a degree in health education.

(g) Duty of ~~Local Public School Administrative Units~~. – Each ~~local public school administrative unit~~ shall provide a comprehensive school health education program that meets all the requirements of this section and all the objectives established by the State Board. ~~Each local board of education may expand on the subject areas to be included in the program and on the instructional objectives to be met.~~

SECTION 1.5. In adopting new or revised K-12 Healthful Living standards, the State Board of Education shall incorporate the requirements of G.S. 115C-98.1, as enacted by this act, in the Standard Course of Study, and shall not add any additional standards for the human growth and development program in grades four and five or for the reproductive health and safety education program commencing in seventh grade.

PART II. INSTRUCTIONAL MATERIALS

SECTION 2.1. G.S. 115C-85 reads as rewritten:

"§ 115C-85. Textbook needs are determined by course of study.

(a) When the State Board of Education has adopted, upon the recommendation of the Superintendent of Public Instruction, a standard course of study at each instructional level in the elementary school and the secondary school, setting forth what subjects shall be taught at each level, it shall proceed to select and adopt textbooks.

(b) As used in this part, ~~"textbook"~~ Part, the following definitions apply:

(1) – (3) Reserved for future codification purposes.

(4) Health and safety program means any instruction, curricula, or materials intended to impart information or promote discussion or understanding regarding any of the following, including instruction, curricula, or materials implemented to comply with any federal law, regulation, or guidance:

- a. Reproductive health and safety, as provided in G.S. 115C-81.30.
- b. Mental and emotional health, as provided in G.S. 115C-81.25(c)(1).
- c. Growth and development, as provided in G.S. 115C-81.25(c)(9) and G.S. 115C-81.29.
- d. Anti-bullying or anti-harassment.

(5) – (7) Reserved for future codification purposes.

(8) Textbook means systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Formats for textbooks may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, and technology-based programs that require the use of electronic equipment in order to be used in the learning process.

(c) Textbooks adopted in accordance with the provisions of this Part shall be used by the public schools of the State except as provided in G.S. 115C-98(b1)."

SECTION 2.2. G.S. 115C-98 reads as rewritten:

"§ 115C-98. ~~Local boards of education~~ Public school units to provide for local operation of the textbook program, the selection and procurement of other instructional materials, and the use of nonadopted textbooks.

(a) ~~Local boards of education~~ Governing bodies of public school units shall adopt rules not inconsistent with the policies of the State Board of Education concerning the local operation of the textbook program.

(b) ~~Local boards of education~~ Governing bodies shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplementary textbooks, ~~library books~~, periodicals, audiovisual materials, and other supplementary instructional materials needed for instructional purposes in the public schools of their ~~units~~ units, consistent with the requirements of G.S. 115C-98.1. Public school units shall adopt library materials as provided in G.S. 115C-98.2.

~~Local boards of education~~ Governing bodies shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day. Supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education.

Supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks.

(b1) ~~A local board of education may~~ governing body shall establish a community media advisory committee to investigate and evaluate challenges from parents, teachers, and members of the public to textbooks and supplementary instructional materials on the grounds that they are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students. The State Board of Education shall review its rules and policies concerning these challenges and shall establish guidelines to be followed by community media advisory committees.

The ~~local board~~ governing body, at all times, has sole authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed.

(b2) ~~Local boards of education~~ Governing bodies may:

- (1) Select, procure, and use textbooks that have not been adopted by the State Board of Education for use throughout the ~~local school administrative public school unit~~ for selected grade levels and courses; and
- (2) Approve school improvement plans developed under G.S. 115C-105.27 that include provisions for using textbooks that have not been adopted by the State Board of Education for selected grade levels and courses.

All textbook contracts made under this subsection shall include a clause granting to the ~~local board of education governing body~~ the license to produce braille, large print, and audiocassette tape copies of the textbooks for use in the ~~local school administrative unit public school unit~~.

(c) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the ~~local school administrative units, public school units,~~ may be used for the above-stated purposes."

SECTION 2.3. Part 3 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-98.1. Selection of health and safety instructional and supplemental materials.

(a) When adopting, modifying, or amending a health and safety program and the instructional and supplemental materials for that program, a governing body of a public school unit shall conduct a public hearing after adequately notifying the public at least 10 days prior to the hearing.

(b) The governing body of a public school unit shall also provide both electronic and written notice to all parents of students in the public school unit of the public hearing and the opportunity to review those materials in the program repository, as provided in G.S. 115C-102.1, at least 60 days before the public hearing occurs.

(c) The notice to parents provided for in subsection (b) of this section shall include the following in both written and electronic form:

- (1) A detailed description of the program's objectives and any proposed changes, including any topics that the local board of education determines that a reasonable parent in that community may wish to examine as to the age appropriateness of the topics.
- (2) All written and audio materials that will be used.
- (3) A link to, or information on how to access, the program repository on the local school administrative unit's website, as provided in G.S. 115C-102.1."

SECTION 2.4. Part 3 of Article 8 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-98.2. Library books.

(a) For the purposes of this Part, the term library books means electronic, print, and nonprint resources, excluding textbooks, for independent use by students and school personnel outside of the standard course of study for any grade or course. Library books may be held in a formal school library or in a classroom.

(b) Governing bodies of public school units shall establish criteria for selection of library books, including a recommendation review process, and shall select and procure library books based on recommendations from the superintendent in accordance with this section. Selection of materials shall be an ongoing process that includes the removal of collections determined to no longer meet the criteria for selection and the periodic replacement or repair of materials still of educational value.

(c) Notwithstanding subsection (b) of this section, the governing body may delegate the authority for selection of library books to the superintendent subject to the following:

- (1) Any library book that has received more than 10 letters of objection which state with specificity the criteria the library book fails to meet as part of the recommendation review process shall not be selected without approval of the

- governing body, who shall review the submitted objections at a public meeting prior to a vote on selection.
- (2) The superintendent shall provide a list of all library books recommended for selection to the governing body for a minimum of 30 days of review that includes at least one meeting of the governing body prior to final selection. If any governing body member questions or desires further information on any title or author, the member shall contact the superintendent to request the information. Any governing body member may make a motion at the meeting of the governing body held prior to final selection to place a recommended book before the body for approval.
- (d) At a minimum, the criteria for selection shall require that a library book meet the following standards:
- (1) Supports and enriches students' personal learning and the standard course of study for grades and courses offered at that school.
- (2) Meets high standards in literary, artistic, and aesthetic quality, as well as technical aspects and physical format.
- (3) Is appropriate for the subject area and for the age, intellectual development, and ability level of the students for whom the materials are selected and received access level designation.
- (4) For nonfiction resources, incorporates accurate and authentic factual content from authoritative sources.
- (5) Balances financial cost with need.
- (6) Meets the requirements of subsections (f) and (g) of this section.
- (7) For fiction, narrative nonfiction, including memoirs and biographies, and graphic novels, in addition to the other requirements of this subsection, a determination that that library book is:
- a. Integral to the instructional program.
- b. Reflects the learning needs of the students and school personnel.
- c. Is appropriate for the reading levels and understanding of students.
- d. Is included because of the library book's literary or artistic value.
- e. If narrative nonfiction, presents information with accuracy and clarity.
- (e) The governing body shall establish a recommendation review process that includes the following:
- (1) The superintendent may delegate the responsibility to identify the library books recommended for selection to appropriate public school unit personnel.
- (2) As part of the recommendation for any library book, a content access designation shall be assigned to the book that reflects the grade levels for which the book is appropriate based on the age and intellectual development of the students. A school shall not provide access to students to books with a content access designation higher than the grade level of students enrolled in that school. There shall be three content access designations as follows:
- a. Elementary: Library books for students in grades kindergarten through fifth grade.
- b. Middle School: Library books for students in grades sixth through eighth.
- c. High School: Library books for students in grades ninth through twelfth.
- (3) To ensure parental engagement, all library books recommended for selection shall be readily available for parental review a minimum of 30 days prior to consideration for selection by posting a list of the recommended books in a publicly accessible portion of the public school unit's website, and by

1 including a copy of all recommended library books in the instructional
2 materials repository established by G.S. 115C-102.1 for in-person review.
3 The list shall also provide the process for submitting an objection to selection
4 of the book, including a means for identifying with specificity the criteria that
5 the recommended book fails to meet.

6 (f) All library books should contain material appropriate for students and should reflect
7 the age and grade levels of students enrolled in the school. No library book shall be used if the
8 book contains material that is harmful to minors, as defined in G.S. 14-190.13.

9 (g) Local boards of education shall require, as part of the criteria, compliance with the
10 Children's Internet Protection Act (CIPA), 47 U.S.C. § 254(h)(5), including technology
11 protection measures.

12 (h) In addition to the selection process, all governing bodies shall establish a community
13 library advisory committee to investigate and evaluate challenges from parents, teachers, and
14 members of the public to library books on the grounds that they do not conform to the criteria for
15 selection of library books. The State Board of Education shall review its rules and policies
16 concerning these challenges and shall establish guidelines to be followed by community library
17 advisory committees.

18 (i) Prior to any school conducting or partnering with a third party to conduct a student
19 book fair, the principal of that school shall designate appropriate school personnel to review all
20 books that will be made available to students at the book fair to determine if the books meet the
21 criteria established under subsection (d) of this section and meet the content access designation,
22 as established under subsection (e) of this section, for the school. The principal shall ensure that
23 no books shall be accepted by the school or made available to students in the student book fair
24 that do not meet the established criteria and content access designation of that school."

25 **SECTION 2.5.** Part 3 of Article 8 of Chapter 115C of the General Statutes is
26 amended by adding a new section to read:

27 **"§ 115C-102.1. Instructional materials repository.**

28 (a) A governing body of a public school unit shall maintain a continuous repository of
29 current instructional and supplemental materials that have been selected and acquired by the
30 governing body of a public school unit pursuant to this Article. The materials shall be maintained
31 at a central location for in-person review by parents and the public upon request, and the names
32 of all those materials shall be posted to the local school administrative unit's website for review
33 by parents and the public.

34 (b) In addition to the requirements of subsection (a) of this section, a governing body of
35 a public school unit shall also maintain a continuous program repository of current objectives,
36 entire curricula, texts, and all other materials used in any health and safety program as follows:

37 (1) The current objectives, entire curricula, texts, and all other materials used in
38 any health and safety program shall be maintained at a central location for
39 in-person review by parents and the public upon request.

40 (2) Electronic copies of the current objectives and names of curricula, texts, or
41 any other materials used in any health and safety program shall be posted to
42 the local school administrative unit's website for review by parents and the
43 public. The website shall also include the curricula, texts, and any other
44 materials used in the health and safety program, including links to any
45 materials available on the publisher's website.

46 (3) The governing body of a public school unit shall add to the central location
47 and electronic repository any objectives, curricula, texts, and other materials
48 that may be proposed for adoption, amendment, or modification to the health
49 and safety program and shall clearly indicate that status while the materials
50 are under consideration.

(c) Each school year, at least 14 days before students participate in a health and safety program, a governing body of a public school unit shall give both written and electronic notice to parents of students participating in that program of the right of parents to review the objectives, complete materials, and entire curriculum of that program in the program repository maintained by the governing body of a public school unit, as provided in subsection (b) of this section. The notice shall include the same information provided under G.S. 115C-98.1. The notice shall be in conjunction and combination with the notice and requirements to inform parents of the requirement for prior written consent to participate in certain health and safety programs, as established in G.S. 115C-81.29 and G.S. 115C-81.30."

PART III. CLARIFY DEFENSES FOR MATERIAL HARMFUL TO MINORS

SECTION 3.(a) G.S. 14-190.15 reads as rewritten:

"§ 14-190.15. Disseminating harmful material to minors; exhibiting harmful performances to minors.

(a) Disseminating Harmful Material. – A person commits the offense of disseminating harmful material to minors if, with or without consideration and knowing the character or content of the material, ~~he;the person~~ does any of the following:

(1) Sells, furnishes, presents, or distributes to a minor material that is harmful to ~~minors; or minors.~~

(2) Allows a minor to review or peruse material that is harmful to minors.

(b) Exhibiting Harmful Performance. – A person commits the offense of exhibiting a harmful performance to a minor if, with or without consideration and knowing the character or content of the performance, ~~he-the person~~ allows a minor to view a live performance that is harmful to minors.

(c) Defenses. – Except as provided in subdivision (3), a mistake of age is not a defense to a prosecution under this section. It is an affirmative defense to a prosecution under this section that:

(1) The defendant was a parent or legal guardian of the minor.

~~(2) The defendant was a school, church, museum, public library, governmental agency, medical clinic, or hospital carrying out its legitimate function; or an employee or agent of such an organization acting in that capacity and carrying out a legitimate duty of his employment.~~

(3) Before disseminating or exhibiting the harmful material or performance, the defendant requested and received a driver's license, student identification card, or other official governmental or educational identification card or paper indicating that the minor to whom the material or performance was disseminated or exhibited was at least 18 years old, and the defendant reasonably believed the minor was at least 18 years old.

(4) The dissemination was made with the prior consent of a parent or guardian of the recipient.

(d) Punishment. – Violation of this section is a Class 1 misdemeanor."

SECTION 3.(b) This section becomes effective December 1, 2025, and applies to offenses committed on or after that date.

PART IV. PUBLIC LIBRARY ACCESS FOR MINORS

SECTION 4.(a) G.S. 125-19 read as rewritten:

"§ 125-19. Confidentiality of library user records.

(a) Disclosure. – A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except as provided for in subsection (b).

(b) Exceptions. – Library records may be disclosed in the following instances:

- (1) When necessary for the reasonable operation of the ~~library~~;library.
- (2) Upon written consent of the ~~user~~; or user.
- (3) Pursuant to subpoena, court order, or where otherwise required by law.
- (4) To the parent of a minor for library records of that minor."

SECTION 4.(b) Chapter 125 of the General Statutes is amended by adding a new Article to read:

"Article 4.
"Access for Minors.

"§ 125-25. Definitions.

The following definitions shall apply in this Article:

- (1) Library. – A library established by the State; a county, city, township, village, or other local unit of government or authority or combination of local units of governments and authorities.
- (2) Library book. – Any electronic, print, or nonprint resources held for use, reference, or circulation to the public by a library.
- (3) Harmful to minors. – As defined in G.S. 14-190.13.
- (4) Minor. – A person less than 18 years of age who has not been emancipated pursuant to Article 35 of Chapter 7B of the General Statutes.
- (5) Parent. – A person who has legal custody of a child, including a natural parent, adoptive parent, or legal guardian.

"§ 125-26. Access of materials to minors.

(a) A library shall ensure that any library books containing material harmful to minors held by the library are inaccessible to minors in both print, nonprint, and electronic form. The library shall place library books containing material harmful to minors in an age-restricted portion of the library that is accessible only to those 18 years of age and older.

(b) A library shall lend books to minors only with the prior written consent of the minor's parent. Prior written consent may be demonstrated by a parent providing written consent for a minor to receive a library card. A library card issued to a minor shall be denoted as such and shall restrict the minor from accessing material harmful to minors held by the library, whether in print, nonprint, or electronic form.

(c) A parent shall be authorized to access the library records of that parent's minor child as provided in G.S. 125-19."

SECTION 4.(c) This section is effective July 1, 2025. For library cards issued to minors without written parental consent prior to the effective date of this section, a library shall either establish written consent from the parent prior to December 31, 2025, or shall revoke the library card of the minor after that date.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law. Parts I and II of this act apply beginning with the 2025-2026 school year.