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HOUSE BILL NO. 2400

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 18.2-391.1 and 22.1-16.8 of the Code of Virginia, relating to public elementary and secondary school libraries; model policies for review of print and audiovisual materials; sexually explicit visual content prohibited.

 Patron—Scott, P.A.

 Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That §§ 18.2-391.1 and 22.1-16.8 of the Code of Virginia are amended and reenacted as follows:****§ 18.2-391.1. Exceptions to application of article.**

Nothing contained in this article shall be construed to apply to:

1. The purchase, distribution, exhibition, or loan of any work of art, book, magazine, or other printed or manuscript material by any accredited museum, library, school, *except in the case of public school libraries as provided in § 22.1-16.8*, or institution of higher education.

2. The exhibition or performance of any play, drama, tableau, or motion picture by any theatre, museum, school, or institution of higher education, either supported by public appropriation or which is an accredited institution supported by private funds.

§ 22.1-16.8. Instructional material; print and audiovisual material; sexually explicit content; parental notification; availability of certain materials in school libraries.A. As used in this section, "~~sexually~~:"*"Sexually explicit content" has the same meaning as provided in subsection A of § 2.2-2827.*

"Sexually explicit visual content" means any picture, photograph, drawing, motion picture film, digital image, or similar visual representation depicting sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in § 18.2-390, coprophilia, urophilia, or fetishism.

B. The Department shall develop and make available to each school board model policies for ensuring parental notification of any instructional material that includes sexually explicit content and include information, guidance, procedures, and standards relating to:

1. Ensuring parental notification;

2. Directly identifying the specific instructional material and sexually explicit subjects; and

3. Permitting the parent of any student to review instructional material that includes sexually explicit content and provide, as an alternative, nonexplicit instructional material and related academic activities to any student whose parent so requests.

C. *The Department shall develop and make available to each school board model policies prohibiting any school library in any public elementary or secondary school from obtaining or possessing any print or audiovisual material that contains sexually explicit visual content. Such model policies shall:*

1. Require the review of any print or audiovisual material that is (i) purchased by, donated to, or otherwise provided to any elementary or secondary school for placement in any school library or (ii) accessible to students in any school library in any public elementary or secondary school for the purpose of determining whether such material contains sexually explicit visual content;

2. Provide for the removal or exclusion from any school library in any public elementary or secondary school of any print or audiovisual material that, upon review pursuant to subdivision 1, is determined to contain sexually explicit visual content; and

3. Establish guidelines for implementing the policies in accordance with subdivisions 1 and 2 for to ensure compliance with the First Amendment to the Constitution of the United States and Article I, Section 12 of the Constitution of Virginia.

D. Each school board shall adopt policies that are consistent with but may be more comprehensive than the model policies developed by the Department pursuant to ~~subsection~~ subsections B and C.

INTRODUCED

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