

# HB425 INTRODUCED



1 HB425

2 ZTSTRRR-1

3 By Representatives Yarbrough, Mooney, Butler, Harrison,  
4 Whorton, Kiel

5 RFD: Judiciary

6 First Read: 04-Apr-24



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SYNOPSIS:

Under existing law, the Alabama Anti-Obscenity Enforcement Act prohibits the distribution of certain obscene material.

Also under existing law, libraries and library employees or agents are exempt from the criminal provisions of the Anti-Obscenity Enforcement Act.

This bill would repeal the criminal exemption for libraries and library employees or agents from the Anti-Obscenity Enforcement Act.

This bill would prohibit the state or any library from supplying any minor with material containing sexual content.

This bill would prohibit a library from purchasing or accepting donated materials containing sexual content if the publisher of the material has recommended it for minors.

This bill would prohibit any entity that receives state funds and any library from affiliating with the American Library Association.

This bill would authorize the Attorney General or district attorney to initiate a civil action for a violation of this act.

This bill would authorize the parent or guardian of a minor who is provided sexual content in violation



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29 of this act to bring a cause of action against the  
30 offending entity.

31 This bill would also authorize a parent or  
32 guardian to seek an injunction against a library that  
33 purchases or accepts a donation of sexual content in  
34 violation of this act.

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A BILL

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TO BE ENTITLED

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AN ACT

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41 Relating to the provision of sexual content to minors;  
42 to prohibit certain entities from providing minors with  
43 materials containing sexual content in certain circumstances;  
44 to prohibit a library from purchasing or receiving certain  
45 materials recommended for minors that contain sexual content;  
46 to prohibit libraries and certain entities that receive state  
47 funds from affiliating with the American Library Association;  
48 to create a cause of action for the Attorney General, district  
49 attorneys, and certain parents or guardians; and to repeal  
50 Section 13A-12-200.10, Code of Alabama 1975, relating to the  
51 criminal liability of libraries and their employees or agents.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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Section 1. For the purposes of this act, the following  
54 terms have the following meanings:

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(1) GENDER IDEOLOGY. The theory that: (i) there are  
56 more genders than male and female; and (ii) gender is a social



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57 construct subject to change based on the opinions and feelings  
58 of the individual.

59 (2) LIBRARY. A library established for free public  
60 purposes by a county, municipality, or other local  
61 governmental body. This term includes any library associated  
62 with a public K-12 school.

63 (3) MINOR. An unmarried individual under 18 years of  
64 age.

65 (4) SEXUAL CONDUCT. The same meaning as Section  
66 13A-12-200.1, Code of Alabama 1975.

67 (5) SEXUAL CONTENT. Any material, including physical,  
68 digital, or audio material, that includes content regarding  
69 sexual conduct, sexuality, or gender ideology that the average  
70 individual, applying contemporary community standards, would  
71 find inappropriate for a minor to consume without the  
72 permission of his or her parent or guardian. This term does  
73 not include legitimate educational materials including, but  
74 not limited to, age appropriate content related to biology,  
75 human anatomy, or religion.

76 (6) STATE. Each of the following:

77 a. The state, a county, or a municipality.

78 b. A state, county, or municipal official.

79 c. Any other political subdivision of the state.

80 (7) SUPPLY. To sell, rent, lend, or transfer possession  
81 or title.

82 Section 2. (a) The state, a library, and any other  
83 entity that receives state or local funds may not supply any  
84 minor with any sexual content.



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85 (b) (1) No library may purchase any sexual content, if  
86 the publisher of the material has recommended the material for  
87 individuals under 18 years of age.

88 (2) No library may accept any donated sexual content,  
89 if the publisher of the material has recommended the material  
90 for individuals under 18 years of age.

91 (3) For the purposes of this section, materials include  
92 physical, digital, and audio materials.

93 Section 3. No entity that is appropriated any funds by  
94 the Legislature, including the state and any library in this  
95 state, may affiliate with the American Library Association.  
96 For purposes of this section, affiliation includes, but is not  
97 limited to, membership, training, or certification with the  
98 association.

99 Section 4. (a) When there is reason to believe that any  
100 person is violating or is about to violate this act, the  
101 Attorney General or district attorney may initiate a civil  
102 action in the circuit court in the name of the State of  
103 Alabama against the person for preliminary and permanent  
104 injunctive relief to prevent or enjoin the violation, in the  
105 same manner as provided in Section 13A-12-200.7, Code of  
106 Alabama 1975.

107 (b) (1) The parent or guardian of any minor who is  
108 provided sexual content in violation of this act may bring a  
109 cause of action against the offending entity.

110 (2) Available remedies for a cause of action brought  
111 under this subsection include, but are not limited to: (i)  
112 injunctive relief; (ii) compensatory damages; (iii) punitive



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113 damages; and (iv) reasonable attorney fees and court costs.

114 (c) (1) If a library purchases any sexual content in  
115 violation of Section 2 or accepts as a donation any sexual  
116 content in violation of Section 2, a parent or guardian may  
117 seek injunctive relief to prevent or enjoin the violation.

118 (2) Available remedies for a cause of action brought  
119 under this subsection include: (i) injunctive relief; and (ii)  
120 reasonable attorney fees and costs.

121 Section 5. The provisions of this act are severable. If  
122 any part of this act is declared invalid or unconstitutional,  
123 that declaration shall not affect the part which remains.

124 Section 6. Section 13A-12-200.10, Code of Alabama 1975,  
125 relating to the criminal liability of libraries and their  
126 employees or agents, is repealed.

127 Section 7. This act shall become effective on October  
128 1, 2024.