HOUSE BILL NO. HB0010

Sexually explicit materials in libraries-requirements.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

AN ACT relating to libraries and education; specifying requirements for county libraries and school libraries to govern access to sexually explicit materials by minors; providing definitions; providing a cause of action for violations; specifying penalties; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 1-39-125, 18-7-107 and 21-3-138 are created to read:

1-39-125. Liability; sexually explicit materials in children's sections of libraries.

A governmental entity is liable for damages resulting from a violation of W.S. 18-7-107 or 21-3-138 in accordance with W.S. 18-7-107 or 21-3-138.

18-7-107. Sexually explicit materials available to children; requirements; penalties; cause of action.

(a) As used in this section:

(i) "Children's section" means any portion of a library devoted primarily to or that primarily provides materials aimed toward persons younger than age eighteen (18);

(ii) "Sexually explicit material" means any depiction or description, in any written, pictorial or electronic form, of sexual contact by any one (1) or more of the following:

(A) Penetration of the penis into the vagina or anus;

(B) Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one (1) person and the genitalia or anus of another person;

(C) Contact between the finger, hand or other body part of one (1) person and the genitalia or anus of another person, except in the course of an examination or treatment by a person licensed to provide care or treatment under title 33 of the Wyoming statutes;

(D) Ejaculation onto the person of another;

(E) The use of artificial sexual organs or substitutes to contact with the genitalia or anus;

(F) The touching of a person's own genitals or anus with a finger, hand, artificial sexual organ or other similar device.

(b) Each public library and employee and contractor of a public library shall ensure that:

(i) No sexually explicit materials are accessible in the children's section of the library at any time;

(ii) Sexually explicit materials are cataloged, located and stored in a section of the library devoted primarily to or that primarily provides materials aimed toward persons age eighteen (18) and older.

(c) Each county library board of directors shall establish a process by which any resident of the county in which the library is located may challenge the inclusion, placement or presence of any sexually explicit material in the children's section of the library, in accordance with all of the following:

(i) Each county library board shall establish a form by which any resident of the county in which the library is located may challenge a sexually explicit material being located in the children's section of the library;

(ii) The form established under paragraph (i) of this subsection shall be made available at each physical location of the county library and on the website of the county library;

(iii) Each county library shall accept challenges to sexually explicit material under this subsection at any time;

(iv) A county library receiving a challenge under this subsection shall review the challenged material to determine whether it is sexually explicit material and whether the material is located in the children's section of the library and render a written decision on the challenge not later than sixty (60) days after written or electronic receipt of the challenge.

(d) Not later than August 1, 2026, each county library board of directors shall develop the challenge process specified in and in accordance with subsection (c) of this section. A county library that fails to develop and implement the challenge process in accordance with subsection (c) of this section by August 1, 2026 shall pay

a civil penalty of five hundred dollars ($500.00) each day until the library develops the process.

(e) Any resident of the county in which the public library is located shall have a cause of action against a library violating this section. No person shall initiate a lawsuit against a library under this subsection without first completing the challenge process specified in subsection (c) of this section. No lawsuit shall be brought under this subsection if sexually explicit material is moved or removed from the children's section of the library after a challenge is brought under subsection (c) of this section. A court may order any injunctive or equitable relief, award damages, costs or fees or order any other legal remedy permitted by law. The court shall award reasonable attorney fees and costs to a person prevailing in an action brought under this subsection.

21-3-138. Sexually explicit materials in school libraries; penalties; cause of action.

(a) As used in this section, "sexually explicit material" means as defined by W.S. 18-7-107(a)(ii).

(b) Each school district, and each employee and contractor of the school district, shall ensure that no sexually explicit materials are accessible by any student younger than age eighteen (18) in any library of the school district.

(c) Each school district board of trustees shall establish a process by which any person who resides within the geographical boundaries of the school district may challenge the inclusion, placement or presence of any sexually explicit material in a school district library, in accordance with all of the following:

(i) Each school district board of trustees shall establish a form by which any person who resides within the geographical boundaries of the school district may challenge a sexually explicit material being located in a school district library;

(ii) The form established under paragraph (i) of this subsection shall be made available at each physical

location of the school district where a library is located and on the website of the school district;

(iii) Each school district board of trustees shall accept challenges to sexually explicit material under this subsection at any time;

(iv) A school district board of trustees receiving a challenge under this subsection shall review the challenged material to determine whether it is sexually explicit material and whether the material is located in the library of the school district and render a written decision on the challenge not later than sixty (60) days after written or electronic receipt of the challenge.

(d) Not later than August 1, 2026, each school district board of trustees shall develop the challenge process specified in and in accordance with subsection (c) of this section. A school district that fails to develop and implement the challenge process in accordance with subsection (c) of this section by August 1, 2026 shall pay a civil penalty of five hundred dollars ($500.00) each day until the school district develops the process.

(e) Any person who resides within the geographical boundaries of the school district shall have a cause of action against a school district violating this section. No person shall initiate a lawsuit against a school district under this subsection without first completing the challenge process specified in subsection (c) of this section. No lawsuit shall be brought under this subsection if sexually explicit material is moved or removed from the school district library after a challenge is brought under subsection (c) of this section. A court may order any injunctive or equitable relief, award damages, costs or fees or order any other legal remedy permitted by law. The court shall award reasonable attorney fees and costs to a person prevailing in an action brought under this subsection.

Section 2. W.S. 1-39-103(a)(ix) and 1-39-104(a) are amended to read:

1-39-103. Definitions.

(a) As used in this act:

(ix) "This act" means W.S. 1-39-101 through ~~1-39-123~~ 1-39-125.

1-39-104. Granting immunity from tort liability; liability on contracts; exceptions.

(a) A governmental entity and its public employees while acting within the scope of duties are granted immunity from liability for any tort except as provided by W.S. 1-39-105 through 1-39-112 and 1-39-122 through ~~1-39-124~~ 1-39-125. Any immunity in actions based on a contract entered into by a governmental entity is waived except to the extent provided by the contract if the contract was within the powers granted to the entity and was properly executed and except as provided in W.S. 1-39-120(b). The claims procedures of W.S. 1-39-113 apply to contractual claims against governmental entities.

Section 3. This act is effective July 1, 2026.

(END)