

By: Leo-Wilson

H.B. No. 4387

A BILL TO BE ENTITLED

AN ACT

relating to content ratings for books and other written materials used in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 2, Education Code, is amended by adding Chapter 35 to read as follows:

CHAPTER 35. CONTENT RATINGS FOR BOOKS AND OTHER WRITTEN MATERIALS

Sec. 35.001. DEFINITION. In this chapter, "board" means the State Board of Education.

Sec. 35.002. CONTENT RATINGS REQUIRED. (a) A publisher may not sell a book or other written material to a school district or open-enrollment charter school unless the publisher has:

(1) assigned a content rating as provided by this section to the book or material; and

(2) affixed to the cover of the book or material a label indicating the content rating assigned under Subdivision (1).

(b) A publisher shall assign the content rating "BK-Y" to a book or material that is intended for children younger than seven years of age. "BK-Y" rated content may not be designed or intended to frighten.

(c) A publisher shall assign the content rating "BK-Y7" to a book or material that is intended for children seven years of age or older. "BK-Y7" rated content may contain mildly frightening or violent themes.

1 (d) A publisher shall assign the content rating "BK-G" to a
2 book or material that is intended for all ages. "BK-G" rated
3 content may contain little or no violent, sexual, or profane
4 themes.

5 (e) A publisher shall assign the content rating "BK-PG" to a
6 book or material that is intended to be read by young children only
7 with the guidance of an adult. "BK-PG" rated content may contain
8 suggestive dialogue or situations, infrequent profanity, and
9 moderate violence.

10 (f) A publisher shall assign the content rating "BK-14" to a
11 book or material that is intended to be read by children 14 years of
12 age or older. "BK-14" rated content may contain intensely
13 suggestive dialogue or situations, profanity, and intense
14 violence.

15 (g) A publisher shall assign the content rating "BK-MA" to a
16 book or material that is intended for persons 17 years of age or
17 older. "BK-MA" rated content may contain explicit depictions of
18 sexuality, strong profanity, and graphic violence.

19 (h) Not later than September 1, 2024, each publisher shall
20 develop and submit to the board a list of each book or other written
21 material sold by the publisher to a school district or
22 open-enrollment charter school before that date. The list must
23 include the title of the book or material and the content rating
24 assigned to that book or material.

25 (i) The board shall post each list submitted under
26 Subsection (h) on the board's Internet website as soon as
27 practicable.

1 Sec. 35.003. CONTENT RATING RESTRICTIONS. A school
2 district or open-enrollment charter school may not use as
3 instructional material or make available:

4 (1) for students in a grade level below grade six, a
5 book or material rated BK-PG, BK-14, or BK-MA; or

6 (2) for students in a grade level below grade nine, a
7 book or material rated BK-14 or BK-MA.

8 Sec. 35.004. STATE BOARD OF EDUCATION REVIEW. (a) The
9 board may review a content rating assigned by a publisher to a book
10 or other written material under Section 35.002. If the board
11 disagrees with a content rating assigned by a publisher, the board
12 shall provide written notice to the publisher. The notice must
13 include:

14 (1) the content rating the board would assign to the
15 book or material; and

16 (2) information regarding the publisher's duty under
17 this section.

18 (b) Not later than the 120th day after the date on which a
19 publisher receives notice for a book or other written material
20 under Subsection (a), the publisher shall:

21 (1) either:

22 (A) change the content rating for the book or
23 material to the content rating that the board would assign, as
24 stated in the notice; or

25 (B) cease all sales of the book or material to a
26 school district or open-enrollment charter school and issue a
27 recall for all copies of the book or material sold to a school

1 district or open-enrollment charter school; and

2 (2) notify the board of the action taken under
3 Subdivision (1).

4 (c) The board shall maintain on the board's Internet website
5 a list of publishers who fail to comply with Subsection (b).

6 (d) A school district or open-enrollment charter school may
7 not purchase a book or other written material from a publisher on
8 the list described by Subsection (c).

9 (e) A publisher placed on the list described by Subsection
10 (c) may petition the board for removal from the list. The board may
11 remove a publisher from the list only if the board is satisfied that
12 the publisher has taken appropriate action under Subsection (b).

13 Sec. 35.005. LIABILITY. A school district or
14 open-enrollment charter school is not liable for any claim or
15 damage resulting from a publisher's violation of this chapter.

16 Sec. 35.006. RULES. The board may adopt rules as necessary
17 to administer this chapter.

18 SECTION 2. This Act applies beginning with the 2024-2025
19 school year.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2023.