

Amend CSHB 900 (house committee report) as follows:

(1) On page 2, line 5, strike "annually" and substitute "at least once every five years".

(2) On page 2, line 24, strike "and".

(3) On page 2, line 26, between "development" and the underlined period, insert the following:

; and

(G) prohibits the removal of material based solely on the:

(i) ideas contained in the material; or

(ii) personal background of:

(a) the author of the material; or

(b) characters in the material

(4) On page 4, between lines 13 and 14, insert the following:

Sec. 35.0021. RATING GUIDELINES. (a) For purposes of determining whether a library material is sexually explicit as required by Section 35.002, a library material vendor must perform a contextual analysis of the material to determine whether the material describes, depicts, or portrays sexual conduct in a way that is patently offensive.

(b) In performing the contextual analysis of a library material, a library material vendor must consider the following three, principal factors with respect to the material:

(1) the explicitness or graphic nature of a description or depiction of sexual conduct contained in the material;

(2) whether the material consists predominantly of or contains multiple repetitions of depictions of sexual or excretory organs or activities; and

(3) whether a reasonable person would find that the material intentionally panders to, titillates, or shocks the reader.

(c) In examining the three factors listed under Subsection (a), a vendor must weigh and balance each factor and conclude whether the library material is patently offensive, recognizing that because each instance of a description, depiction, or

portrayal of sexual conduct contained in a material may present a unique mix of factors.

(d) To determine whether a description, depiction, or portrayal of sexual conduct contained in a material is patently offensive, a library material vendor must consider the full context in which the description, depiction, or portrayal of sexual conduct appears, to the extent possible, recognizing that contextual determinations are necessarily highly fact-specific and requires the consideration of contextual characteristics that may exacerbate or mitigate the offensiveness of the material.

(5) On page 3, line 26, strike "September 1, 2023" and substitute "April 1, 2024".

(6) On page 6, line 3, strike "August 1 of every even-numbered" and substitute "January 1 of every odd-numbered".

(7) On page 7, between lines 2 and 3, insert the following:  
Sec. 35.008. ASSISTANCE OF AGENCY. The agency may provide assistance to school districts and open-enrollment charter schools in complying with this chapter.

(8) On page 7, line 3, strike "October 1, 2023" and substitute "April 1, 2024".

(9) On page 7, between lines 6 and 7, insert the following appropriately lettered subsection and reletter subsequent subsections accordingly:

(\_\_\_\_) Not later than September 1, 2024, each library material vendor, as defined by Section 35.001, Education Code, as added by this Act, shall submit the initial updated list required under Section 35.002(d), Education Code, as added by this Act.

(10) On page 7, line 7, strike "August 1, 2024" and substitute "January 1, 2025".

(11) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Not later than January 1, 2024, the Texas State Library and Archives Commission shall adopt the standards for school library collection development as required under Section 33.021(c), Education Code, as added by this Act.