88R1136 MLH-D

By:  Oliverson H.B. No. 338

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.  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.

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

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

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

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

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

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

Sec. 35.002.  CONTENT RATING RESTRICTIONS. A school district or open-enrollment charter school may not use as instructional material or make available:

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

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

Sec. 35.003.  AGENCY REVIEW. (a) The agency may review a content rating assigned by a publisher to a book or other written material under Section 35.001. If the agency disagrees with a content rating assigned by a publisher, the agency shall provide written notice to the publisher. The notice must include:

(1)  the content rating the agency would assign to the book or material; and

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

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

(1)  either:

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

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

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

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

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

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

Sec. 35.004.  LIABILITY. A school district or open-enrollment charter school is not liable for any claim or damage resulting from a publisher's violation of this chapter.

Sec. 35.005.  RULES. The commissioner may adopt rules as necessary to administer this chapter.

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

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