

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

1 content may contain little or no violent, sexual, or profane  
2 themes.

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

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

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

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

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

26 Sec. 35.002. CONTENT RATING RESTRICTIONS. A school  
27 district or open-enrollment charter school may not use as

1 instructional material or make available:

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

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

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

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

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

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

18 (1) either:

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

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

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

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

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

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

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

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

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

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