

By: Hall

S.B. No. 1443

A BILL TO BE ENTITLED

AN ACT

relating to public school library materials and certain performances at public school facilities.

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

SECTION 1. Subchapter B, Chapter 33, Education Code, is amended by adding Sections 33.023, 33.024, and 33.025 to read as follows:

Sec. 33.023. PROHIBITED SCHOOL LIBRARY MATERIALS AND CERTAIN PERFORMANCES; PARENTAL RIGHTS REGARDING SCHOOL LIBRARY MATERIALS. (a) A school district may not include in the catalog of a school library of the district a book, magazine, or publication that contains:

(1) a depiction or description of:

(A) pederasty;

(B) pedophilia;

(C) any type of romantic or sexual attraction between an adult and a minor;

(D) masturbation, including mutual masturbation;

(E) sadomasochism;

(F) bestiality;

(G) sodomy;

(H) fellatio;

(I) any type of romantic or sexual attraction between individuals of the same sex;

- (J) transvestism;
- (K) gender dysphoria;
- (L) transgenderism;
- (M) sexual intercourse; or

(2) a referral to a website or material that contains a depiction or description of a topic described by Subdivision (1).

(b) A school district may not:

(1) host an obscene sexually oriented performance or another performance in which a performer:

(A) is nude, as defined by Section 102.051, Business & Commerce Code, or uses fake breasts or a fake penis in a manner that simulates a nude performer; and

(B) performs or simulates a sexual act; and

(C) is obscene; or

(2) allow a person wearing drag attire or other clothing, makeup, or physical markers associated with a sexually oriented performance to read or perform to minors in any district facility.

(c) On the request of a student's parent or legal guardian, a school district shall disclose to the parent or legal guardian the title of each material that the student has checked out from the catalog of a school library of the district.

(d) This subsection does not preclude or limit:

(1) the enforcement of any other law or regulation regarding conduct that is independently prohibited by the other law or regulation and that would remain prohibited by the other law or regulation in the absence of this section;

1 (2) the ability of a state officer or state agency to
2 inform others regarding the prohibitions and duties under this
3 section and the consequences under Sections 33.024 and 33.025 for
4 violating this section; or

5 (3) the authority of the attorney general to defend
6 the constitutionality of this section.

7 Sec. 33.024. PURCHASE OF LIBRARY MATERIALS FROM CERTAIN
8 VENDORS PROHIBITED. (a) If a school district or open-enrollment
9 charter school determines that a material in the catalog of a
10 school library of the district or school is in violation of Sec.
11 33.023, the district or school shall report to the agency as soon
12 as practicable the material and the vendor from which the district
13 or school purchased the material.

14 (b) The agency shall maintain on the agency's Internet
15 website a list of vendors reported to the agency under Subsection
16 (a). The agency shall update the list not later than the 30th day
17 after the date the agency receives a report under Subsection (a).

18 (c) A school district or open-enrollment charter school may
19 not purchase materials from a vendor on the list described by
20 Subsection (b).

21 SECTION 2. This Act applies beginning with the 2023-2024
22 school year.

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