

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

HOUSE BILL 1977

By: Representative Bentley

By: Senator A. Clark

## For An Act To Be Entitled

AN ACT TO CREATE THE PROTECTING CHILDHOOD INNOCENCE  
IN LIBRARIES ACT; AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE THE PROTECTING CHILDHOOD  
INNOCENCE IN LIBRARIES ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) Parents of young children have a right to determine when and how their children should be educated about sex;

(2) Children's sections of public libraries and public school libraries have traditionally taken care to curate materials that are age-appropriate for children;

(3) Exposure to a wide range of books is important for the educational development of Arkansas children;

(4) Children should be able to freely browse books within a children's library section without exposure to sexually explicit material or to sex education materials without parental consent; and

(5) Taxpayer-funded libraries should assist parents in facilitating educational opportunities for their children by ensuring children's library sections provide age-appropriate materials free of sexually explicit material.

SECTION 2. DO NOT CODIFY. Title.



This act shall be known and may be cited as the "Protecting Childhood Innocence in Libraries Act".

SECTION 3. Arkansas Code Title 6, Chapter 21, Subchapter 1, is amended to add an additional section to read as follows:

6-21-122. Sexually explicit material in children's library areas prohibited — Cause of action — Definitions.

(a) A public school library in this state shall take reasonable steps to ensure that sexually explicit material is not located on open shelving within children's library areas.

(b) Sex education materials shall not be placed on open shelving within a children's library section but may be made accessible or checked out by a child twelve (12) years of age or under upon parent or guardian request.

(c)(1) A parent or guardian whose child has been exposed to sexually explicit material in a children's section of a library has a private cause of action for damages and declaratory and injunctive relief against a public school library that fails to take reasonable steps to place only age-appropriate materials in a children's library section.

(2) A civil action brought under subdivision (c)(1) of this section shall be commenced within two (2) years of the date of the cause of action.

(3) An individual who prevails in a civil action under subdivision (c)(1) of this section may recover from the public school library that failed to take reasonable steps to avoid placing sexually explicit material on open shelving within a children's library section:

(A) Reasonable attorney fees; and

(B) Costs.

(d) As used in this section:

(1) "Age-appropriate material" means materials primarily for children twelve (12) years of age and under that are free of sexually explicit material;

(2) "Children's library section" means sections of a library that are organized primarily for children twelve (12) years of age and under;

(3) "Open shelving" means library shelving and library displays where materials can be freely accessed by children without assistance;

(4) "Sex education materials" means materials that are designed

to educate students about the facts of sexual reproduction; and

(5)(A) "Sexually explicit material" means material that depicts or describes with a high level of graphic detail or descriptive language:

(i) The penetration of the anus or mouth of a person by the penis of another person;

(ii) The penetration of the labia majora or anus of a person by any bodily member or foreign instrument manipulated by another person; or

(iii) Sexually explicit conduct as defined in § 5-27-302.

(B) "Sexually explicit material" does not include:

(i) Sex education material; or

(ii) Material that mentions an occurrence of sexual intercourse, sexual acts, or sexual attraction without a high level of graphic detail or descriptive language.

SECTION 4. Arkansas Code Title 13, Chapter 2, Subchapter 1, is amended to add an additional section to read as follows:

13-2-108. Sexually explicit material in children's library areas prohibited — Cause of action — Definitions.

(a) A taxpayer-funded library in this state shall take reasonable steps to ensure that sexually explicit material is not located on open shelving within children's library areas.

(b) Sex education materials shall not be placed on open shelving within a children's library section but may be made accessible or checked out by a child twelve (12) years of age or under upon parent or guardian request.

(c)(1) A parent or guardian whose child has been exposed to sexually explicit material in a children's section of a library has a private cause of action for damages and declaratory and injunctive relief against a taxpayer-funded library that fails to take reasonable steps to place only age-appropriate materials in a children's library section.

(2) A civil action brought under subdivision (c)(1) of this section shall be commenced within two (2) years of the date of the cause of action.

(3) An individual who prevails in a civil action under subdivision (c)(1) of this section may recover from the taxpayer-funded

library that failed to take reasonable steps to avoid placing sexually explicit material on open shelving within a children’s library section:

- (A) Reasonable attorney fees; and
- (B) Costs.

(d) As used in this section:

(1) “Age-appropriate material” means materials primarily for children twelve (12) years of age and under that are free of sexually explicit material;

(2) “Children’s library section” means sections of a library that are organized primarily for children twelve (12) years of age and under;

(3) “Open shelving” means library shelving and library displays where materials can be freely accessed by children without assistance;

(4) “Sex education materials” means materials that are designed to educate students about the facts of sexual reproduction;

(5)(A) “Sexually explicit material” means material that depicts or describes with a high level of graphic detail or descriptive language:

(i) The penetration of the anus or mouth of a person by the penis of another person;

(ii) The penetration of the labia majora or anus of a person by any body member or foreign instrument manipulated by another person; or

(iii) Sexually explicit conduct as defined in § 5-27-302.

(B) "Sexually explicit material" does not include:

(i) Sex education material; or

(ii) Material that mentions an occurrence of sexual intercourse, sexual acts, or sexual attraction without a high level of graphic detail or descriptive language; and

(6) “Taxpayer-funded library” means a library that receives funds from any type of state or local taxes, including without limitation a:

(A) County library; or

(B) Municipal library.