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HOUSE BILL NO. 2136

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend the Code of Virginia by adding in Chapter 7 of Title 22.1 a section numbered 22.1-87.1, relating to removal or restriction of access to printed or audiovisual material in public school libraries; review standards and procedures; protected classes or characteristics.

Patrons—Delaney, Adams, D.M., Clark, Guzman, Maldonado, Price, Roem, Shin, Simon, Simonds, Subramanyam and Williams Graves

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 7 of Title 22.1 a section numbered 22.1-87.1 as follows:

§ 22.1-87.1. Removal or restriction of access to printed or audiovisual material in public elementary or secondary school library; prohibition; protected classes or characteristics.

A. As used in this section:

"Printed or audiovisual material" means any material purchased by, donated to, or otherwise made available to a library at a public elementary or secondary school that are available in a print format, including books, periodicals, newspapers, and documents, or available in a nonprint format, including recordings of sound or images and other multimedia or digital sources.

"Protected characteristics" means characteristics of or relating to protected classes, including race, color, religion, national origin, sex, marital status, sexual orientation, gender identity, or disability or other medical condition, and includes characters, literary elements, themes, symbols, or other literary content, fictional or nonfictional, relating to or referencing those characteristics.

"Protected classes" means those groups of people protected under subdivision B 1 of § 2.2-3900.

B. No local school board shall remove or restrict access to any printed or audiovisual material available in school libraries solely on the basis of the presence of characters, literary elements, themes, symbols, or other literary content relating to protected classes or protected characteristics.

C. Each school board shall apply review standards and procedures related to the removal or restriction of access to printed or audiovisual material available in public secondary school libraries, including those involving sexual content or nudity, consistently and equally, free from viewpoint discrimination based on the presence of characters, literary elements, themes, symbols, or other literary content relating to protected classes or protected characteristics.

INTRODUCED

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