

HOUSE BILL NO. HB0010

Sexually explicit materials in libraries-requirements.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to libraries and education; specifying
 2 requirements for county libraries and school libraries to
 3 govern access to sexually explicit materials by minors;
 4 providing definitions; providing a cause of action for
 5 violations; specifying penalties; making conforming
 6 amendments; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 1-39-125, 18-7-107 and 21-3-138 are
 11 created to read:

12

13 **1-39-125. Liability; sexually explicit materials in**
 14 **children's sections of libraries.**

15

1 A governmental entity is liable for damages resulting from
2 a violation of W.S. 18-7-107 or 21-3-138 in accordance with
3 W.S. 18-7-107 or 21-3-138.

4

5 **18-7-107. Sexually explicit materials available to**
6 **children; requirements; penalties; cause of action.**

7

8 (a) As used in this section:

9

10 (i) "Children's section" means any portion of a
11 library devoted primarily to or that primarily provides
12 materials aimed toward persons younger than age eighteen
13 (18);

14

15 (ii) "Sexually explicit material" means any
16 depiction or description, in any written, pictorial or
17 electronic form, of sexual contact by any one (1) or more
18 of the following:

19

20 (A) Penetration of the penis into the
21 vagina or anus;

22

1 (B) Contact between the mouth and genitalia
2 or mouth and anus or by contact between the genitalia of
3 one (1) person and the genitalia or anus of another person;
4

5 (C) Contact between the finger, hand or
6 other body part of one (1) person and the genitalia or anus
7 of another person, except in the course of an examination
8 or treatment by a person licensed to provide care or
9 treatment under title 33 of the Wyoming statutes;
10

11 (D) Ejaculation onto the person of another;
12

13 (E) The use of artificial sexual organs or
14 substitutes to contact with the genitalia or anus;
15

16 (F) The touching of a person's own genitals
17 or anus with a finger, hand, artificial sexual organ or
18 other similar device.
19

20 (b) Each public library and employee and contractor
21 of a public library shall ensure that:
22

1 (i) No sexually explicit materials are
2 accessible in the children's section of the library at any
3 time;

4

5 (ii) Sexually explicit materials are cataloged,
6 located and stored in a section of the library devoted
7 primarily to or that primarily provides materials aimed
8 toward persons age eighteen (18) and older.

9

10 (c) Each county library board of directors shall
11 establish a process by which any resident of the county in
12 which the library is located may challenge the inclusion,
13 placement or presence of any sexually explicit material in
14 the children's section of the library, in accordance with
15 all of the following:

16

17 (i) Each county library board shall establish a
18 form by which any resident of the county in which the
19 library is located may challenge a sexually explicit
20 material being located in the children's section of the
21 library;

22

1 (ii) The form established under paragraph (i) of
2 this subsection shall be made available at each physical
3 location of the county library and on the website of the
4 county library;

5

6 (iii) Each county library shall accept
7 challenges to sexually explicit material under this
8 subsection at any time;

9

10 (iv) A county library receiving a challenge
11 under this subsection shall review the challenged material
12 to determine whether it is sexually explicit material and
13 whether the material is located in the children's section
14 of the library and render a written decision on the
15 challenge not later than sixty (60) days after written or
16 electronic receipt of the challenge.

17

18 (d) Not later than August 1, 2026, each county
19 library board of directors shall develop the challenge
20 process specified in and in accordance with subsection (c)
21 of this section. A county library that fails to develop and
22 implement the challenge process in accordance with
23 subsection (c) of this section by August 1, 2026 shall pay

1 a civil penalty of five hundred dollars (\$500.00) each day
2 until the library develops the process.

3

4 (e) Any resident of the county in which the public
5 library is located shall have a cause of action against a
6 library violating this section. No person shall initiate a
7 lawsuit against a library under this subsection without
8 first completing the challenge process specified in
9 subsection (c) of this section. No lawsuit shall be brought
10 under this subsection if sexually explicit material is
11 moved or removed from the children's section of the library
12 after a challenge is brought under subsection (c) of this
13 section. A court may order any injunctive or equitable
14 relief, award damages, costs or fees or order any other
15 legal remedy permitted by law. The court shall award
16 reasonable attorney fees and costs to a person prevailing
17 in an action brought under this subsection.

18

19 **21-3-138. Sexually explicit materials in school**
20 **libraries; penalties; cause of action.**

21

22 (a) As used in this section, "sexually explicit
23 material" means as defined by W.S. 18-7-107(a)(ii).

1

2 (b) Each school district, and each employee and
3 contractor of the school district, shall ensure that no
4 sexually explicit materials are accessible by any student
5 younger than age eighteen (18) in any library of the school
6 district.

7

8 (c) Each school district board of trustees shall
9 establish a process by which any person who resides within
10 the geographical boundaries of the school district may
11 challenge the inclusion, placement or presence of any
12 sexually explicit material in a school district library, in
13 accordance with all of the following:

14

15 (i) Each school district board of trustees shall
16 establish a form by which any person who resides within the
17 geographical boundaries of the school district may
18 challenge a sexually explicit material being located in a
19 school district library;

20

21 (ii) The form established under paragraph (i) of
22 this subsection shall be made available at each physical

1 location of the school district where a library is located
2 and on the website of the school district;

3

4 (iii) Each school district board of trustees
5 shall accept challenges to sexually explicit material under
6 this subsection at any time;

7

8 (iv) A school district board of trustees
9 receiving a challenge under this subsection shall review
10 the challenged material to determine whether it is sexually
11 explicit material and whether the material is located in
12 the library of the school district and render a written
13 decision on the challenge not later than sixty (60) days
14 after written or electronic receipt of the challenge.

15

16 (d) Not later than August 1, 2026, each school
17 district board of trustees shall develop the challenge
18 process specified in and in accordance with subsection (c)
19 of this section. A school district that fails to develop
20 and implement the challenge process in accordance with
21 subsection (c) of this section by August 1, 2026 shall pay
22 a civil penalty of five hundred dollars (\$500.00) each day
23 until the school district develops the process.

1

2 (e) Any person who resides within the geographical
3 boundaries of the school district shall have a cause of
4 action against a school district violating this section. No
5 person shall initiate a lawsuit against a school district
6 under this subsection without first completing the
7 challenge process specified in subsection (c) of this
8 section. No lawsuit shall be brought under this subsection
9 if sexually explicit material is moved or removed from the
10 school district library after a challenge is brought under
11 subsection (c) of this section. A court may order any
12 injunctive or equitable relief, award damages, costs or
13 fees or order any other legal remedy permitted by law. The
14 court shall award reasonable attorney fees and costs to a
15 person prevailing in an action brought under this
16 subsection.

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18 **Section 2.** W.S. 1-39-103(a)(ix) and 1-39-104(a) are
19 amended to read:

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21 **1-39-103. Definitions.**

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23 (a) As used in this act:

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2 (ix) "This act" means W.S. 1-39-101 through
3 ~~1-39-123~~ 1-39-125.

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5 **1-39-104. Granting immunity from tort liability;**
6 **liability on contracts; exceptions.**

7

8 (a) A governmental entity and its public employees
9 while acting within the scope of duties are granted
10 immunity from liability for any tort except as provided by
11 W.S. 1-39-105 through 1-39-112 and 1-39-122 through
12 ~~1-39-124~~ 1-39-125. Any immunity in actions based on a
13 contract entered into by a governmental entity is waived
14 except to the extent provided by the contract if the
15 contract was within the powers granted to the entity and
16 was properly executed and except as provided in W.S.
17 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
18 to contractual claims against governmental entities.

19

20 **Section 3.** This act is effective July 1, 2026.

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22

(END)