



ROSENSTEIN, FIST & RINGOLD

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## **RED BANNER UPDATE**

**Date:** May 26, 2022

**Re:** HB 3702

**Signed:** May 18, 2022

**Effective:** November 1, 2022

**Topic:** **Online Library Resources in Schools**

**Summary:** House Bill 3702 (the “Bill”) creates a new section of law at OKLA. STAT. tit. 70, § 11-201 and establishes requirements for online library database resources provided in schools serving students in kindergarten through twelfth grades (K-12).

### ***Vendor Compliance***

To comply with the Bill, all digital or online library database resources must have safety policies and technology protection measures that: (1) prohibit and prevent a user of the resource from receiving, viewing, or downloading materials that, under Oklahoma law, constitute child pornography, obscene materials, or materials depicting child sexual exploitation; and (2) filter or block access to the same.

### ***School Use of Online Library Databases***

A school may only offer digital or online library database resources to students in K-12 if the vendor, person, or entity providing the resources verifies their compliance with the above requirements.

If a library database provider fails to comply with the provisions of the Bill, a school must withhold further payments to the provider—even if there is a contract provision to the contrary. Such withholding of payment must continue until compliance has been verified. Furthermore, if the provider fails to timely verify compliance with the safety policies and requirements, the school must consider that noncompliance as a breach of contract.



***Reporting of Issues***

Libraries must submit to the Speaker of the Oklahoma House of Representatives and the President Pro Tempore of the Oklahoma State Senate—by no later than December 1 of each year—an aggregate written report on any issues related to provider compliance.

***Employees Not Exempt from Prosecution***

The Bill explicitly states that employees of school districts, state agencies, public libraries, and other public entities will not be exempt from prosecution if they willfully violate state laws prohibiting indecent exposure to obscene material or child pornography as provided under state law.

***For More Information***

Please visit the firm's website to view the signed Bill.

RFR attorneys are reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.