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Children and the Internet
Laws Relating to Filtering, Blocking and Acceptable Internet Usage Policies
in Publicly Funded Schools and Libraries
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Overview of State Laws

Twenty-eight states and Puerto Rico have internet filtering laws that apply to publicly funded schools or libraries. The majority of these states simply require school boards or public libraries to adopt internet use policies to prevent minors from gaining access to sexually explicit, obscene or harmful materials. However, some states also require publicly funded institutions to install filtering software on library terminals or school computers.

Federal Children's Internet Protection Act (CIPA)

Congress in 2000 enacted the Children's Internet Protection Act (CIPA) as part of the Consolidated Appropriations Act. The act provides for three different types of funding: 1) aid to elementary and secondary schools; 2) Library Services and Technology Act (LSTA) grants to states for support of public libraries; and 3) the [E-Rate program](#) that provides technology discounts to schools and public libraries.

CIPA requires public libraries that participate in the LSTA and E-Rate programs to certify that they are using computer filtering software to prevent the on-screen depiction of obscenity, child pornography or other material harmful to minors. The act allows adult library patrons to request that a librarian disable the filtering software. To receive E-Rate discounts, libraries are not allowed to disable filtering programs for minor users. The Federal Communications Commission website provides background information about the [Children's Internet Protection Act](#).

Supreme Court Ruling on CIPA

In June 2003, the U.S. Supreme Court upheld CIPA, overturning an earlier court ruling that had prevented the law from taking effect in libraries. In [United States v. American Library Association](#), the court ruled that CIPA does not violate the First Amendment, even though it may block some legitimate sites, because libraries may disable the filters for adult patrons upon request.

A summary of state laws follows.

**State Laws Relating to Filtering, Blocking and Acceptable Internet Usage Policies
in Publicly Funded Schools and Libraries**

STATE	CITATION	APPLIES TO SCHOOLS	APPLIES TO LIBRARIES	SUMMARY
ARIZONA	Ariz. Rev. Stat. Ann. §34-501 et seq.	X	X	Requires public libraries to install software or develop policies to prevent minors from gaining access on the internet to materials harmful to minors. Requires public schools to install computer software that would prevent minors from gaining access to materials harmful to minors.
ARKANSAS	Ark. Stat. Ann. §6-21-107 Ark. Stat. Ann. §13-2-103	X	X	Requires school districts to develop a policy and to adopt a system to prevent computer users from accessing materials harmful to minors. Requires public libraries to adopt a policy to prevent minors from gaining access to materials harmful to them.
CALIFORNIA	Cal. Education Code §18030.5		X	Requires public libraries that receive state funds to adopt a policy regarding internet access by minors.
COLORADO	Colo. Rev. Stat. §22-87-101 et seq. Colo. Rev. Stat. §24-90-401 et seq. Colo. Rev. Stat. §24-90-603	X	X	Requires public schools to adopt and enforce reasonable policies of internet safety that will protect children from obtaining harmful material. Provides grants to publicly supported libraries, including school libraries, that equip public access computers with filtering software and that have policies to restrict minors from accessing obscene or illegal information. Requires public libraries to adopt a policy of internet safety for minors that includes the operation of a technology protection measure for computers with internet access.
DELAWARE	Del. Code tit. 29, §6601C et seq.		X	Requires public libraries to have acceptable use policies and prohibits the use of library computers or mobile devices to access illegal or obscene materials. The minor's parent or guardian must specify the level of access to the internet the minor may have.

GEORGIA	Ga. Code §20-2-324 Ga. Code §20-5-5	X	X	Requires public schools and public libraries to adopt and enforce reasonable policies of internet safety that will protect children from access to harmful material. Prohibits a public school or library from receiving state funds unless it implements and enforces the acceptable-use policy.
IDAHO	Idaho Code §33-132 Idaho Code §33-1025 Idaho Code §33-2741	X	X	Requires each local school district in the state to adopt and file an internet use policy with the state superintendent of public instruction. The policy, approved by the local board of trustees, shall require filtering technology that blocks internet materials that are harmful to minors, establish disciplinary measures for violators, and provide a component of internet safety to be integrated into school instructional programs. Public libraries receiving public moneys and governed by the provisions of chapters 26 and 27, title 33, Idaho Code, that offer use of the internet or an online service to the public shall have in place a policy of internet safety for minors including the operation of a technology protection measure with respect to any publicly accessible wireless internet access or publicly accessible computers with internet access and that protects against access through such computers or wireless internet access to visual depictions that are obscene or child pornography or harmful to minors; and shall enforce the operation of such technology protection measure during any use of a computer or wireless internet access by a minor.

INDIANA	Ind. Code §20-26-5-40.5 Ind. Code §36-12-1-12	X	X	Each school corporation and charter school shall adopt and implement an internet use policy that: (1) prohibits the sending, receiving, viewing, or downloading of materials that are harmful to minors (as described in IC 35-49-2-2) on computers and other technology related devices owned by the school corporation or charter school; (2) provides for the use of hardware or installation of software on computers and other technology related devices described in subdivision (1) to filter or block internet access to materials that are harmful to minors; and (3) establishes appropriate disciplinary measures to be taken against persons violating the policy established under this section and shall use hardware or install software on computers and other technology related devices to filter or block internet access to materials that are harmful to minors. Each school corporation and charter school shall post on the school corporation's or charter school's internet web site the internet use policy The board of a public library shall adopt a policy concerning the appropriate use of the internet or other computer network by library patrons in all areas of the library.
IOWA	Iowa Code §256.57		X	Requires public libraries that apply for and receive state "Enrich Iowa Program" money to have an internet use policy in place, which may or may not include internet filtering.
KANSAS	Kan. Stat. Ann. §75-2589	X	X	Any school district that provides public access to a computer shall implement and enforce technology protection measures to ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene. Any public library that provides public access to a computer shall implement and enforce technology protection measures to: (A) Ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene; and (B) ensure that no person has access to visual depictions that are child pornography or obscene.

KENTUCKY	Ky. Rev. Stat. §156.675	X		Requires the Department of Education to develop regulations to prevent sexually explicit material from being transmitted via education technology systems.
LOUISIANA	La. Rev. Stat. Ann. §17:100.7	X		Each governing authority of a public elementary or secondary school shall adopt policies, in accordance with policies adopted by the State Board of Elementary and Secondary Education, regarding access by students and employees to internet and online sites that contain or make reference to harmful material the character of which is such that it is reasonably believed to be obscene, child pornography, conducive to the creation of a hostile or dangerous school environment, pervasively vulgar, excessively violent, or sexually harassing in the school environment all as defined by any applicable state or federal laws and the policies adopted pursuant to this Subsection. Such policies shall include but not be limited to prohibitions against accessing sites containing information on the manufacturing or production of bombs or other incendiary devices. Any policies adopted by a governing authority of a public elementary or secondary school pursuant to the provisions of this Subsection shall include the use of computer-related technology or the use of internet service provider technology designed to block access or exposure to any harmful material as specified in Paragraph (1) of this Subsection, or both.
MARYLAND	Md. Education Code Ann. §23-506.1		X	Requires county-state libraries to adopt policies to prevent minors from obtaining access to obscene materials via the internet.
MASSACHUSETTS	Mass. Gen. Laws ch. 71, §93	X		Requires public schools providing computer access to students to have a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the internet.
MICHIGAN	Mich. Comp. Laws §397.606		X	Requires libraries to use a system to prevent minors from viewing obscene or sexually explicit matter, or to reserve separate terminals exclusively for adults or children so as to prevent minors' access to obscene or sexually explicit matter.

MINNESOTA	Minn. Stat. §125B.15 Minn. Stat. §134.45 Minn. Stat. §134.50	X	X	Requires all computers at a school site with access to the internet available for student use must be equipped to restrict, including by use of available software filtering technology or other effective methods, all student access to material that is reasonably believed to be obscene or child pornography or material harmful to minors under federal or state law. A school site is not required to purchase filtering technology if the school site would incur more than incidental expense in making the purchase. A school district receiving technology revenue under section 125B.26 must prohibit, including through use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography. Requires public library computers with access to the internet available for use by children under 17 to be equipped to restrict, including by use of available software filtering technology or other effective methods, access to material that is reasonably believed to be obscene or child pornography or material harmful to minors. Also requires public libraries that receive state money to prohibit, including through the use of available software filtering technology or other effective methods, adult access to material that under federal or state law is reasonably believed to be obscene or child pornography.
MISSOURI	Mo. Rev. Stat. §182.825 et seq.	X	X	Requires public school and public libraries with public access computers to either (a) equip the computer with software or a service to restrict minors' access to material that is pornographic for minors, or (b) develop a policy that establishes measures to restrict minors from gaining access to such material.
NEW HAMPSHIRE	N.H. Rev. Stat. Ann. §194:3-d	X		Requires school boards to adopt a policy regarding internet access for school computers and establishes liability for violation of the policy.
NEW YORK	N.Y. Education Law §260(12)		X	Requires public libraries to establish policies concerning patron use of computers.

OHIO	Ohio Rev. Code Ann. §3302.42 Ohio Rev. Code Ann. §3314.21	X		For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify a requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student who works primarily from the student's residence on a computer obtained from a source other than the school.
OKLAHOMA	Okla. Stat. tit. 70, §11-201 et seq.	X	X	Digital or online library database resources offered by school districts, charter schools, virtual charter schools, state agencies, public libraries, or universities to students in kindergarten through 12th grade shall have safety policies and technology protection measures that: 1. Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials that are child pornography or obscene materials, as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, or materials that depict child sexual exploitation, as defined in Section 843.5 of Title 21 of the Oklahoma Statutes; and 2. Filter or block access to child pornography or obscene materials, as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes, or materials that depict child sexual exploitation, as defined in Section 843.5 of Title 21 of the Oklahoma Statutes.
PENNSYLVANIA	Pa. Stat. tit. 24, §4601 et seq.	X	X	Requires school boards and publicly funded libraries to adopt and enforce acceptable use policies for internet access that include the (1) use of software programs reasonably designed to block access to visual depictions of obscenity, child pornography or material that is harmful to minors; or (2) selection of online servers that block access to visual depictions of obscenity, child pornography or material that is harmful to minors.

PUERTO RICO	P.R. Code Ann. tit. 18, §1118a	X	X	All public and private schools, libraries and any other public or private institution that offers services through computers with access to the internet, the obligation to implement technological devices or filters as necessary in computers available to children and youths under the age of 18, in order to restrict and identify the access and use of pornographic material that is harmful and detrimental to the physical and emotional safety and to the integrated development of boys, girls and underage youths.
SOUTH CAROLINA	S.C. Code Ann. §10-1-205 et seq.	X	X	Requires publicly funded libraries and public school libraries to adopt policies intended to reduce the ability of the user to access websites displaying obscene material. Also establishes a pilot program to evaluate the use of filtering software in libraries.
SOUTH DAKOTA	S.D. Codified Laws Ann. §22-24-55 et seq.	X		Requires schools to equip computers with filtering software or to adopt policies to restrict minors from access to obscene materials.
TENNESSEE	Tenn. Code §49-1-221	X		Requires the development of acceptable internet use policies for public and private schools to protect children from certain online material.
UTAH	Utah Code Ann. §9-7-215 et seq. Utah Code Ann. §53G-7-1001 et seq.	X	X	Prohibits a public library from receiving state funds unless the library enforces measures to filter internet access to certain types of images; allows a public library to block materials that are not specified in this bill; and allows a public library to disable a filter under certain circumstances. Prohibits school boards from receiving state funds unless local school boards adopt and enforce a policy to restrict access to internet or online sites that contain obscene material.

VIRGINIA	Va. Code §22.1-70.2 Va. Code §42.1-36.1	X	X	Requires public libraries to adopt internet use policies. Requires public schools to adopt internet use policies that 1) prohibit transmitting or viewing illegal material on the internet, 2) prevent access by students to materials the school determines harmful, and 3) select technology to filter or block child pornography and obscenity. Requires each school division and public library to post its internet use policies on its website.
WISCONSIN	Wis Stat. §16.997	X		Except as provided in section 196.218(4t), the department of administration shall promulgate rules establishing an educational telecommunications access program to provide educational agencies with access to data lines. The rules shall establish eligibility requirements for an educational agency to participate in the program established under sub. (1) and to receive additional telecommunications access under section 16.998, including a requirement that a charter school sponsor use data lines to benefit pupils attending the charter school and a requirement that internet access to material that is harmful to children, as defined in section 948.11(1)(b), is blocked on the computers of juvenile correctional facilities that are served by data lines subsidized under this section.

OTHER RELATED STATE LAWS

STATE	CITATION	SUMMARY
CONNECTICUT	Conn. Gen. Stat. §10-262n	The Department of Education shall administer, within available appropriations, a program to assist local and regional school districts to improve the use of information technology in their schools. Under the program, the department shall provide grants to local and regional boards of education and may provide other forms of assistance such as the provision of purchasing under state-wide contracts with the Department of Information Technology. Grant funds may be used for: (1) Wiring and wireless connectivity, (2) the purchase or leasing of computers, and (3) interactive software and the purchase and installation of software filters.
FLORIDA	Fla. Stat. §257.12(3)	Encourages public libraries to adopt an internet safety education program, including the implementation of a

		computer-based educational program.
LOUISIANA	La. Rev. Stat. §51:1426	Requires internet service providers to make available to subscribers who are Louisiana residents a product or service that enables the subscriber to control a child's use of the internet.
MARYLAND	Md. Commercial Law Code §14-3701 et seq.	Requires internet service providers to make parental controls that enable blocking or filtering of websites available to subscribers in the state.
NEVADA	Nev. Rev. Stat. §603.100 et seq.	Requires internet service providers to offer, under certain circumstances, products or services that enable subscribers to regulate and monitor a child's use of the internet.
TEXAS	Tex. Business & Commerce Code §§323.001 et seq.	A person who charges a fee to provide an interactive computer service shall provide free of charge to each subscriber of the service in this state a link leading to fully functional shareware, freeware, or a demonstration version of software or to a service that, for at least one operating system, enables the subscriber to automatically block or screen material on the internet. Establishes a civil penalty of \$2,000 for each day the provider fails to comply.
UTAH	Utah Code §76-10-1231	Requires internet service providers, upon request by a consumer, to provide in-network filtering or filtering software to prevent transmission of material harmful to minors.
UTAH	Utah Code §78B-6-2201 et seq. Contingent upon five additional states enacting similar legislation	Beginning on Jan. 1 of the year following the year this bill takes effect, a manufacturer shall manufacture a device that, when activated in the state, automatically enables a filter that: (1) when enabled, prevents the user from accessing or downloading material that is harmful to minors on: (a) mobile data networks; (b) applications owned and controlled by the manufacturer; (c) wired internet networks; and (d) wireless internet networks; (2) notifies the user of the device when the filter blocks the device from downloading an application or accessing a website; (3) gives a user with a passcode the opportunity to unblock a filtered application or website; and (4) reasonably precludes a user other than a user with a passcode the opportunity to deactivate, modify, or uninstall the filter.

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