



Testimony in opposition to HB 25: Public Schools - Sexually Explicit Materials - Prohibited in Libraries and Media Centers

Hearing before the House Ways & Means Committee

January 29, 2024

Submitted by Tonya Aikens, Howard County Library System President & CEO

Dear Chair Atterbeary, Vice Chair Wilkins, and Distinguished Members of the Committee:

I am writing to express deep concern and opposition to *HB 25: Public Schools - Sexually Explicit Materials - Prohibited in Libraries and Media Centers*, which is an unnecessary and deeply troubling intrusion on intellectual and educational freedom. Furthermore, HB 25 would seriously curtail the right of students to access a diversity of ideas, information, art, and literature in school libraries, the very place where they should have the freedom to read, think, imagine, and grow.

The bill in question has extremely broad language that is likely to foster unintended consequences. No obscene materials are to be found in school libraries, nor will they be. Obscenity is a concept well-defined in law by the “Miller” test, and such materials are simply not carried in schools, or bookstores for that matter - materials with content referencing sexuality are not inherently obscene, and many indeed have significant educational and literary value. The standard legal test for whether something is obscene specifically requires that a work be taken as a whole; a single sentence or image alone does not make a book obscene. The work also must lack, as a whole, artistic, literary, political, or scientific value.

Additionally, the definition of “sexually explicit” is missing, and likely would be used to encompass any reference to LGBTQ characters or situations, regardless of whether actual sex is present. We are concerned that such an interpretation would violate the civil rights of LGBTQ students statewide - especially since the arbiter of “age-appropriateness” is also unspecified. The subjective nature of the term “sexually explicit” could also result in the exclusion of valuable literary works that contribute to a well-rounded education, culturally relevant teaching, equitable resources, and a safe learning environment.

Furthermore, this legislation will seriously hamper the ability of school library staff to carry out their duties, tasked as they will be with scrutinizing all current and incoming materials to ensure compliance with the language of this law. Such an overly broad prohibition on subject matter is likely to seem innocuous; however, materials have been swept from shelves in an overabundance of caution, as we have seen in jurisdictions with similar legislation.

It is crucial to recognize that libraries play a vital role in fostering critical thinking, promoting diverse perspectives, and encouraging a love for learning. Blanket prohibitions on certain materials could undermine these fundamental principles and hinder students' intellectual growth.

Thank you once again for your ongoing support of Maryland’s libraries, the people they serve, and the rights of readers young and old statewide.

Sincerely,

Tonya Aikens,
President & CEO