

TESTIMONY OPPOSING BILL HB0282  
Public Schools - Sexually Explicit Materials - Prohibited in Libraries and Media Centers

TO: Chair Atterbeary, Vice Chair Wilkins, and  
members of the Ways and Means Committee

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HB 282 has the potential to cause great harm to Maryland students. Naturally, everyone wants to protect students from inappropriate material, but the way the bill is implemented is extremely problematic. It permits only that material which is “age-appropriate,” or is part of the state’s “comprehensive health education program.” It does not offer any guidance on what “age-appropriate” means, leaving implementation entirely up to individual school systems. This law could be used to ban material that would actually be edifying and instructive to students, especially material concerning LGBTQ+ people and sexual assault. There is a great deal of serious queer literature whose purpose is not titillation; nonetheless, such books could be banned under this law if enough school board members desired it. Many people believe that *any mention of queerness, even in the most wholesome context, is indecent*.

Instead of being a shield for children, the vague language could turn this law into a weapon, censoring LGBTQ+ authors and representation. Books could be declared inappropriate under questionable pretexts, like *And Tango Makes Three*, a childrens’ book which features a penguin chick with two male parents.<sup>1</sup> *And Tango Makes Three* is already banned in some Florida school districts for violating state decency laws.<sup>2</sup>

This reveals a discriminatory dichotomy: books about *heterosexual* parents are not being flagged as indecent. Is there something about homosexual parents that is indecent? Should Maryland children with two same-sex parents feel that their family is “inappropriate?” Should their classmates not celebrate all the different varieties of loving families?

It is a sad irony that some of this “inappropriate” literature might ultimately protect our children. Toni Morrison’s *The Bluest Eye* is challenged under many districts’ decency laws. It depicts some scenes of sexual assault, yet it also teaches the concept of consent, and what is or isn’t considered sexual assault. This knowledge could be life-changing for college-bound students, more than half of whom cannot correctly define sexual assault or recognize when it has happened to them. College freshmen and sophomores, perhaps more than any other time in their lives, are at extreme risk of being assaulted.<sup>3</sup>

HB 282 is implemented poorly and has a serious risk of being used as a cudgel to silence the voices of vulnerable Marylanders. I urge the committee to issue an unfavorable report.

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<sup>1</sup> “And Tango Makes Three.” *Booklooks.com*, <https://booklooks.org/data/files/Book%20Looks%20Reports/A/And%20tango%20makes%20three.pdf>. Accessed Jan 21, 2025.

<sup>2</sup> Yurcaba, Jo. “Students and authors sue Florida school district that banned a book about two male penguins.” *NBC News*, <https://www.nbcnews.com/nbc-out/out-news/students-authors-sue-florida-school-district-book-ban-rcna90219>. Accessed Jan 21, 2025.

<sup>3</sup> Grigoriadis, Vanessa. *Blurred Lines: Rethinking Sex, Power, and Consent on Campus*. New York, Houghton Mifflin Harcourt, 2017. pp. 36-8.