



BILL: House Bill 282 - Public Schools - Sexually Explicit Materials - Prohibited in Libraries and Media Centers

DATE: January 23, 2025

POSITION: UNFAVORABLE

COMMITTEE: Ways and Means

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As the leading organization centered on creating and sustaining inclusive K-12 education for LGBTQ+ students, GLSEN Maryland **opposes** House Bill 282.

This legislation defines “sexually explicit materials” vaguely, allowing for discriminatory application if passed. In *Miller v. California*, the US Supreme Court adopted the Miller Test for Obscenity. The Miller test is a three-pronged test used to determine whether a particular material can be deemed obscene and, therefore, restricted. Material will be considered obscene if it (1) passes the reasonable person standard, (2) either depicts or describes explicit or illegal content (3) has no serious literary, artistic, political, or scientific value. This bill does not incorporate the established criteria of the Miller Test, but instead relies on vague language.

This legislation would have negative implications for students. Consider the trans student seeking a story that mirrors their own journey of self-discovery. Or the young lesbian yearning for a book where she can finally see herself portrayed not as a label, but as a human being. These youth, and all youth, will be denied the books they need to navigate their identities, understand an ever-changing world, and feel a sense of belonging in their own schools. Books about LGBTQ+ experiences benefit kids who are not LGBTQ+, too, as they provide windows into others' experiences, helping to build empathy, which subsequently improves the school climate. Research by our parent organization, GLSEN National, shows students in schools with inclusive literature and curriculum reported hearing fewer slurs, lower levels of victimization, felt a high sense of belonging and had a higher academic achievement.¹

Dr. Rudine Sims Bishop, a renowned children's literature scholar, poignantly articulated the power of books. They are not merely pages of text; they are windows offering glimpses into realities both known and unknown. They are sliding glass doors, inviting us to step into diverse narratives and walk alongside characters whose experiences may differ vastly from our own. These books are not just stories to LGBTQ+ youth; they are mirrors reflecting their identities long relegated to the shadows. Unfortunately, this legislation seeks to slam shut those windows and lock those doors.

For these reasons, GLSEN Maryland respectfully requests an **unfavorable** committee report on House Bill 282.

¹ Kosciw, J. G., Clark, C. M., & Menard, L. (2022). *The 2021 National School Climate Survey: The experiences of LGBTQ+ youth in our nation's schools*. New York: GLSEN.

