

## **SECTION 1.**

(1) A school district, charter school, [insert other public institutions that serve K-12 students] may offer digital or online resources or databases to students in kindergarten through twelfth grade only if the vendor or other person or entity providing the resources verifies that all the resources will comply with the provisions of subsection (2) of this section.

(2) A vendor or other person or entity providing digital or online resources or databases under the authority of this section for use by a person under eighteen (18) years of age must have safety policies and technology protection measures that:

(a) Prohibit and prevent a person under eighteen (18) years of age from sending, receiving, viewing or downloading materials that are:

(i) Child pornography;

(ii) Materials that depict or promote child sexual exploitation or trafficking;

(iii) Obscene materials, as defined in Section [cite to proper code];

(iv) Inappropriate materials depicting or dealing with matters of sex, cruelty and violence in a manner likely to be injurious or harmful to a child; or

(v) Materials that are sexually oriented, as defined in Section [cite to proper code]; and

(b) Filter or block access to obscene materials, inappropriate materials, materials that are sexually oriented or materials that depict, describe or promote child pornography or child sexual exploitation.

(3) (a) The provisions of this section take precedence over any provision in a contract between a school district or school and a vendor or other person or entity providing digital or online resources or databases to the contrary. Notwithstanding any provision in a contract between a school district or school and a provider to the contrary, if a provider of digital or online resources or databases fails to comply with the requirements of this section, the school district or school shall withhold further payments, if any, to the provider pending verification of compliance.

(b) Upon a first occurrence by a provider of digital or online resources or databases of noncompliance with subsection (2) of this section and failure to verify within thirty (30) days of receiving notice of the noncompliance from a school district or school that the provider is in compliance with this section, the school district or school shall consider the provider's noncompliance to be a breach of contract.

(c) Upon a second occurrence by a provider of noncompliance with subsection (2) and failure to verify within thirty (30) days of receiving notice of the

noncompliance from a school district or school that the provider is in compliance with the requirements of this section, the school district or school is entitled to a reduction in the amount of ten percent (10%) of the agreed upon price in the contract to be paid by the school district or school to the provider. The school district or school shall adjust any future payments due to the provider under the contract accordingly to effectuate the ten percent (10%) reduction. However, if the contract price has been paid in full, or if the balance owed on the contract price is equal to less than ten percent (10%) of the contract price, the provider must return to the school district or school such amount that is required to effectuate a ten percent (10%) reduction of the contract price.

(d) Upon a third occurrence by a provider of noncompliance with subsection (2) and failure to verify within thirty (30) days of receiving notice of the noncompliance from a school district or school that the provider is in compliance with the requirements of this section, the contract must be considered terminated and the school district or school is entitled to a complete refund of the agreed upon price in the contract to be paid by the school district or school to the provider. The school district or school shall withhold any future payments that may be due to the provider, and

the provider must return to the school district or school all amounts previously paid to the provider under the contract.

(4) The State Auditor [or other proper authority] may audit a school district or school's compliance with this section. A school district or school must report to the State Auditor a provider's failure to comply with subsection (2) of this section no later than thirty (30) days after the district or school learns of the provider's noncompliance.

## **SECTION 2.**

(1) A public library may offer digital or online resources or databases to persons under eighteen (18) years of age only if the vendor or other person or entity providing the resources verifies that all the resources will comply with the provisions of subsection (2) of this section.

(2) A vendor or other person or entity providing digital or online resources or databases under the authority of this section for use by a person under eighteen (18) years of age must have safety policies and technology protection measures that:

(a) Prohibit and prevent a person under eighteen (18) years of age from sending, receiving, viewing or downloading materials that are:

(i) Child pornography;

(ii) Materials that depict or promote child sexual exploitation or trafficking;

(iii) Obscene materials, as defined in Section [cite to code];

(iv) Inappropriate materials depicting or dealing with matters of sex, cruelty and violence in a manner likely to be injurious or harmful to a child; or

(v) Materials that are sexually oriented, as defined in Section [cite to code]; and

(b) Filter or block access to obscene materials, inappropriate materials, materials that are sexually oriented or materials that depict, describe or promote child pornography or child sexual exploitation.

(3) (a) The provisions of this section take precedence over any provision in a contract between a public library and a vendor or other person or entity providing digital or online resources or databases to the contrary. Notwithstanding any provision in a contract between a public library and a provider to the contrary, if a provider of digital or online resources or databases fails to comply with the requirements of this section, the library shall withhold further payments, if any, to the provider pending verification of compliance.

(b) Upon a first occurrence by a provider of digital or online resources or databases of noncompliance with subsection (2) of this section and failure to verify

within thirty (30) days of receiving notice of the noncompliance from a public library that the provider is in compliance with this section, the library shall consider the provider's noncompliance to be a breach of contract.

(c) Upon a second occurrence by a provider of noncompliance with subsection (2) and failure to verify within thirty (30) days of receiving notice of the noncompliance from a public library that the provider is in compliance with the requirements of this section, the library is entitled to a reduction in the amount of ten percent (10%) of the agreed upon price in the contract to be paid by the library to the provider. The library shall adjust any future payments due to the provider under the contract accordingly to effectuate the ten percent (10%) reduction. However, if the contract price has been paid in full, or if the balance owed on the contract price is equal to less than ten percent (10%) of the contract price, the provider must return to the library such amount that is required to effectuate a ten percent (10%) reduction of the contract price.

(d) Upon a third occurrence by a provider of noncompliance with subsection (2) and failure to verify within thirty (30) days of receiving notice of the noncompliance from a public library that the provider is in compliance with the requirements of this section, the

contract must be considered terminated and the library is entitled to a complete refund of the agreed upon price in the contract to be paid by the library to the provider. The library shall withhold any future payments that may be due to the provider, and the provider must return to the library all amounts previously paid to the provider under the contract.

(4) The State Auditor [or other proper authority] may audit a public library's compliance with this section. A public library must report to the State Auditor a provider's failure to comply with subsection (2) of this section no later than thirty (30) days after the library learns of the provider's noncompliance.

**SECTION 3.** If any section, paragraph, sentence, clause, phrase or any part of this act passed on or after the effective date of this act is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts of this act shall be in no manner affected thereby but shall remain in full force and effect.

Unless the contrary intent shall clearly appear in the particular act in question, each and every act passed hereafter shall be read and construed as though the provisions of the first paragraph of this section form an

integral part thereof, whether expressly set out therein or not.

**SECTION 4.** This act shall take effect and be in force upon passage.