HOUSE BILL No. 1195

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5.5.

Synopsis: Pornographic material. Requires a specified school to adopt policies and procedures concerning material alleged to be pornographic, obscene, or harmful to minors. Provides that a specified school or an employee, a contractor, or a third party vendor of a specified school may not knowingly make available or provide pornographic material, obscene matter, or matter harmful to minors to a student.

Effective: July 1, 2025.

Abbott, King, Carbaugh

January 8, 2025, read first time and referred to Committee on Education.

Introduced

First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1195

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-26-5.5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 0.5. (a) As used in this chapter, "pornographic material" means school material that:**

(1) has not been approved for instruction on human sexuality by the:

(A) governing body of a school corporation under IC 20-26-12-24; or

(B) equivalent authority of a charter school; and

(2) includes a patently offensive pictorial depiction or patently offensive written depiction of:

(A) nudity involving lewd exhibition of the genitals;

(B) nudity involving genitals in an aroused state; or

(C) sexual conduct, including:

(i) masturbation;

(ii) vaginal sex;

(iii) oral sex;

(iv) anal sex;

(v) oral-anal sex;

(vi) the use of sex toys or other objects for sexual gratification;

(vii) ejaculation; or

(viii) sado-masochistic abuse.

(b) As used in this chapter, "school material" means matter (as described in IC 35-49-1-3) or a performance (as described in IC 35-49-1-7) made available to students, in any format, by a school for an educational purpose.

SECTION 2. IC 20-26-5.5-1, AS ADDED BY P.L.234-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 1. (a) The governing body of a school corporation or **the equivalent authority of a** charter school shall establish a:

~~(1) procedure for each school to prepare a catalogue of materials available in the school library;~~

~~(2)~~ **(1)** procedure for each school to allow a:

(A) parent or guardian of a student enrolled in the school; or

(B) community member:

(i) within the school district; or

(ii) within the school district in which the charter school is located;

to submit a request to remove **school** material from the school ~~library~~ that is **pornographic material,** obscene **matter** (as described in IC 35-49-2-1), or **matter** harmful to minors (as described in IC 35-49-2-2); and

~~(3)~~ **(2)** response and appeal procedure for each school to respond to a removal request submitted by a parent, guardian, or community member described in subdivision ~~(2).~~ **(1).**

(b) The response and appeal procedure established under subsection ~~(a)(3)~~ **(a)(2)** must require the governing body to review the **removal** request at the next public meeting.

(c) If the governing body of a school corporation or the equivalent authority of a charter school determines the school material is pornographic material, obscene matter (as described in IC 35-49-2-1), or matter harmful to minors (as described in IC 35-49-2-2) under subsection (a), the school material must be removed from the school.

SECTION 3. IC 20-26-5.5-2, AS ADDED BY P.L.234-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. The governing body of a school corporation or **the equivalent authority of a** charter school shall

~~(1)~~ **prepare and** publish **a catalogue of the following** on the website of each school: ~~and~~

~~(2) make available in hard copy for an individual upon request; the catalogue of material available in the school library and each policy established under this chapter.~~

(1) The curricular materials approved for student use by the governing body of a school corporation or equivalent authority of a charter school.

(2) The material available in the school library.

(3) Each policy established under this chapter.

SECTION 4. IC 20-26-5.5-3, AS ADDED BY P.L.234-2023, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 3. ~~A school corporation or charter school~~ **The following** may not **knowingly** make available ~~materials~~ **or provide to a student school material that is pornographic material, obscene matter (as described in IC 35-49-2-1), or matter harmful to minors (as described in IC 35-49-2-2):** ~~that contain:~~

~~(1) obscene matter (as described in IC 35-49-2-1); or~~

~~(2) matter harmful to minors (as described in IC 35-49-2-2); within the school library.~~

(1) A school corporation.

(2) A public school, including a charter school.

(3) An employee, a contractor, or a third party vendor of an entity described in subdivisions (1) and (2).