

The House Committee on Judiciary, Non-Civil offers the following substitute to SB 74:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to sale or distribution of harmful materials to minors, so as to revise an  
3 exemption for libraries and librarians from the provisions of Code Section 16-12-103,  
4 relating to selling, loaning, distributing, or exhibiting materials harmful to minors; to amend  
5 Code Section 20-5-43 of the Official Code of Georgia Annotated, relating to duties and  
6 responsibilities of board of trustees, so as to provide for training for reviewing  
7 reconsideration requests regarding material harmful to minors; to provide for related matters;  
8 to provide for an effective date and applicability; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Part 3 of Article 3 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
13 relating to sale or distribution of harmful materials to minors, is amended by revising Code  
14 Section 16-12-104, relating to library exception, as follows:

15 "16-12-104.

16 The provisions of Code Section 16-12-103 shall not apply to any public library operated  
17 by the state or any of its political subdivisions nor to any library operated as a part of any  
18 school, college, or university. The immunity provided by this Code section shall not apply  
19 if the person failed to comply with the appropriate governing authority's decisions pursuant  
20 to reconsideration requests or complaints regarding materials harmful to minors."

21 **SECTION 2.**

22 Code Section 20-5-43 of the Official Code of Georgia Annotated, relating to duties and  
23 responsibilities of board of trustees, is amended by revising paragraphs (7) and (8) and by  
24 adding a new paragraph to read as follows:

25 "(7) To notify the appropriate authorities of a vacancy on the board so that a person may  
26 be appointed to complete unexpired or full terms; ~~and~~

27 (8) To notify the library system director, in advance, of all meetings of library boards and  
28 board committees; and

29 (9) To establish training procedures for members reviewing reconsideration requests  
30 regarding materials harmful to minors as provided in Code Section 16-12-103."

31 **SECTION 3.**

32 This Act shall become effective on July 1, 2026, and shall apply to any motions made or  
33 hearings or trials commenced on or after such date.

34 **SECTION 4.**

35 All laws and parts of laws in conflict with this Act are repealed.