

Bill banning ‘pornographic or indecent’ books at Utah schools passes committee

The sponsor said he wants to empower schools to remove inappropriate materials from libraries and classrooms.



(Rick Egan | The Salt Lake Tribune) Rep. Ken Ivory comments on a bill in 2019. His measure, HB374, that bans "pornographic or indecent" books at Utah schools passed in a legislative committee on Friday, Feb. 25, 2022.

By Courtney Tanner

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One Republican lawmaker said he knows of dozens of books available in public school libraries across Utah that contain passages about sex that would “shock the conscience.”

Another added that nobody wants that kind of explicit content in schools “where above anywhere else, it doesn’t belong.” A third agreed, saying “we must draw the line” on what students can access because not setting limits guarantees they’ll stumble across something inappropriate.

With their backing, a legislative committee passed out a controversial bill Friday that would ban any books containing “pornographic or indecent” content from Utah schools, both in libraries and in the classroom.

“I think we know the things that are most egregious,” said [Rep. Ken Ivory, R-West Jordan](#), who’s sponsoring the measure. “We can’t leave them there and do nothing.”

The proposal, [HB374](#), comes in response to a book banning movement that has been led by conservative parent groups across the nation, including in Utah. Here in Canyons School District, [nine](#)

[books have been targeted](#). In Washington County School District, five titles were reviewed and two pulled. And in Davis School District, another list of nine was created by parents. Most of those considered offensive focus on race and the LGBTQ community, including [“The Bluest Eye” by Nobel Prize winner Toni Morrison](#) and [“Gender Queer,” a graphic novel about the author’s journey of self-identity](#). Those opposed to removing the books say the effort feels targeted to silence minority voices.

But Ivory doesn’t see it that way.

Echoing the demands from right-leaning parents who he said asked him to run the bill, HB374 “simply seeks to prohibit materials under the state’s definition of pornography.” That was approved by lawmakers in 2016, when they [declared porn a public health crisis](#).

The Legislature had already previously [banned anyone from looking at pornographic materials on school grounds](#), including requiring internet filters to block those sites. Ivory said HB374 is just another addition to that, by banning books with similar material already deemed unfit.

The definition of porn, according to Utah law, broadly includes anything that, when taken as a whole, could be considered [“harmful to minors”](#) in the representation of nudity or sexual conduct and anything that [an average person finds “appeals to prurient interest in sex.”](#)

Ivory’s bill makes an exception for school books for health and medical classes. But he said Friday that it should apply to all other library offerings and class curricula.

After more than an hour of debate, the measure got an 11-2 vote in the House Education Committee, with two Democrats opposed.

A fight against ‘erotica’

[The first draft of the bill](#) filed by Ivory was more contentious.

It originally proposed banning anything with “actual or simulated sexual conduct.” And it allowed parents to sue a school for \$10,000 if a book they objected to on that basis was not removed.

Under the approved measure Friday, that lawsuit provision was removed and the state definition of porn added as the guideline.

School administrators would also be required to undergo training from [the Utah State Board of Education](#) and the Utah Attorney General’s Office on how to identify banned materials. Each school district would then need to come up with a policy for removing them. (Many districts already have a process for hearing complaints about books.)

The state board would also report back each year to the Legislature on any complaints received by schools about violations of the ban.

Ivory said he considers the passed version just “a first step” in the effort to clean up school libraries.

Several parents from [Utah Parents United](#), a coalition of parents that pushes for conservative policies in schools, including fighting against critical race theory, spoke in support of the measure.

Brooke Stephens, the curriculum director for the group, has been leading [the fight against the nine books in Canyons School District](#) (which are currently still under review) and started a Facebook page where others share what they’ve found in Utah schools. She told lawmakers Friday about [“All Boys Aren’t Blue” by LGBTQ activist George M. Johnson](#), which is in some schools here.

The book includes an autobiographical scene detailing an older cousin molesting the author when he was a young boy. Advocates for the book say it is a real experience and serves to show readers what signs to watch for if they’re being preyed upon.



(Leah Hogsten | The Salt Lake Tribune) Four of nine books that have been removed from schools in the Canyons School District and placed under review, Nov. 23, 2021. The Bluest Eye by Toni Morrison, Gender Queer by Maia Kobabe, Lolita by Vladimir Nabokov and Beyond Magenta by Susan Kuklin. But Stephens said it should not be in front of children who could check it out without their parents' permission or knowledge. It is not censorship, she added, to remove explicit and obscene materials. Stephens said that's like calling it prohibition to not serve alcoholic drinks in the school cafeteria. Some parents said school districts are too afraid to remove "erotica" they know is inappropriate for fear of pushback from civil rights groups.

[Washington County School District](#) Superintendent Larry Bergeson said that has been the case in his experience. The southern Utah district's board moved in December to remove two books — "[The Hate U Give](#)," about how the police interact with people of color, and "[Out of Darkness](#)," about the relationship between a young Mexican American girl and a Black teenage boy in 1930s Texas. [Bergeson was the deciding vote.](#)

He said the district has since returned them to library shelves after "feeling pressured." He specifically called out [the American Civil Liberties Union of Utah](#), which has fought for students' First Amendment rights to access the books.

But Bergeson said he hopes, under the bill proposed by Ivory, that the district would have stronger grounds to get rid of them permanently. Ivory agreed that he intended for the bill to give districts more power to remove materials.

"We need to have the strength, the courage to fight against these books being in schools," Bergeson said.

Protecting minority voices

Librarians and civil rights attorneys who support keeping the books on library shelves [have said this conflict is about limiting what viewpoints](#) students can seek out on their own with a library card, especially diverse viewpoints from historically marginalized groups.

None of the titles being questioned, they stress, are required reading — even though Ivory’s bill would apply to the classroom, too.

If you don’t like a book, don’t let your child read it, said parent Jonathan Bejarano. But he said one group of parents shouldn’t be allowed to limit what every child can check out. And that includes titles, he added, about people like him, people who are Latino.

He specifically pushed back against “Out of Darkness” being banned, saying it about people who are underrepresented in literature and their struggle.

One mom said kids of color or LGBTQ students should be able to see reflections of their identities in books. Ashley Anderson, another parent and an arts educator, called it “censorship by a thousand cuts.”

Several said introducing students to different viewpoints and experiences is how they learn. And, they said, the explicit passages are just one small part of each book. One speaker pointed out that Shakespeare often included lewd references in his works and asked if those would be banned, as well.

[Rep. Karen Kwan, D-Murray](#), an associate professor, said she agrees and worries about whose stories are being targeted. She voted against the measure, along with [Rep. Elizabeth Weight, D-West Valley City](#), a former teacher.

But [Rep. Steve Waldrip, R-Eden](#), said he believes the bill strikes “a fine balance” between parents not wanting their kids to be exposed to indecent materials and making it too easy to ban any book that might be questionable.

“We should have a high bar for those bans,” he said.

The bill moves next for consideration from the full House, with one week left before the end of the session.