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Columbia, S.C. – The South Carolina State Legislature passed a change to Proviso 27.1-Aid to Counties Libraries Allotment which lacks sufficient detail for implementation. The change to Proviso 27.1 indicates a new requirement for public libraries to “... certify to the State library that their county libraries do not offer any books or materials that appeal to the prurient interest of children under the age of seventeen in children’s, youth, or teen book sections of libraries and are only made available with explicit parental consent.” SC Code § 16-15-305 (2023) defines “prurient interest” as “a shameful or morbid interest in nudity, sex, or excretion and is reflective of an arousal of lewd and lascivious desires and thoughts.” For material to be considered “prurient” the dominant theme of the material must be taken as a whole, and cannot be parsed out in sections. Determining if material is prurient is subjective and varies based on individual and cultural perspectives and experiences. The change to this proviso requires additional guidance to ensure correct interpretation and compliance before it can be implemented.

Additionally, the South Carolina State Library does not have the authority to establish requirements related to collection development in public libraries. Collection development decisions are made based on policies approved by the Public Library Board of Trustees. S.C. Code Regs. § 75-1(D)(6) states: “Any library receiving State Aid shall be legally established and administered by a legally appointed Board and shall: (6) Systematically acquire library materials consistent with a collection development policy approved by the local board.”

The South Carolina State Library supports a robust, balanced collection of materials that represent the cultural and social diversity of a changing society and reflect the experience of contemporary children and teens. The South Carolina State Library and public libraries in our state support a parent’s right to guide the selection of material for their own children’s reading and encourage parental involvement. However, the changes to Proviso 27.1 are vague, subjective, and outside of the scope of the governing legislation related to the Duties of State Library in executing library policy (SC Code § 60-1-60 (2023)).

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About the S.C. State Library

The South Carolina State Library develops, supports, and sustains a thriving statewide community of learners committed to making South Carolina stronger. The Library serves the people of South Carolina by supporting state government and libraries to provide opportunities for learning in a changing environment. It is the primary administrator of federal and state support for the state’s libraries. In 1969, as the result of action by the General Assembly, the State Library Board was redesignated as the South Carolina State Library and assumed responsibility for public library development, library service for state institutions, service for the blind and physically handicapped, and library service to state government agencies. Headquartered in Columbia, S.C., the Library is funded by the state of South Carolina, by the federal government through the Institute of Museum and Library Services, and other sources. For more information, please visit statelibrary.sc.gov or call 803-734-8666.