

January 6, 2014

TO: Joint Committee on Administrative Rules and Regulations

Representative Sharon Schwartz, Chair  
Senator Vicki Schmidt, Vice Chair

Members:

Senator Oletha Faust-Goudeau  
Senator Tom Hawk  
Senator Garrett Love  
Senator Ralph Ostmeyer  
Representative Steve Huebert  
Representative Mark Kahrs  
Representative Jerry Lunn  
Representative Janice Pauls  
Representative Ed Trimmer  
Representative Valdenia Winn

FROM: Joanne M. Budler, State Librarian *JMB*

RE: Kansas Children's Internet Protection Act (CIPA)

During the 2013 legislative session, the Legislature passed HB 2109 which created the Children's Internet Protection Act.

Provisions of that bill:

- Requires technology protection measures be implemented and enforced at the public library level
- Defined "technology protection measures" as any computer technology or other process that blocks or filters online access to visual depictions
- Requires any public library that provides public access to a computer to ensure that no person, whether minor or adult, has access to visual depictions that are child pornography or obscene
- To ensure that no minor has access to visual depictions that would be harmful to minors
- Requires the State Librarian to establish standards and promulgate rules and regulations to enforce the Act's provisions for public libraries

- Any public library that is in compliance shall not be liable for any damages arising out of or related to a minor gaining access to visual depictions that are child pornography or obscene through the use of a computer that is owned by or controlled by the library

Each public library governing body is required to adopt a policy to implement and enforce the provisions of this act.

The policy must:

- State that its purpose is to restrict access to those materials that are child pornography, harmful to minors or obscene
- Provide how the policy will meet the requirements of the act
- Require such library to inform its patrons of the rules and regulations that library employees follow to enforce the provisions of the act
- Require such library to inform its patrons that procedures for the submission of complaints about the policy, the enforcement of the policy, or observed patron behavior, have been adopted and are available for review
- Be reviewed at least once every three years

To comply with this requirement:

- On July 30, 2013, the State Library held a webinar for public librarians regarding the provisions of the bill and the implementation
- The State Library drafted regulations which have been approved by the Secretary of Administration and the Attorney General.
- An economic impact statement has been submitted. A notice of public hearing was printed in the Kansas Register on November 28, 2013.
- The library posted on a web site dedicated to the act (<http://www.kslib.info/librarians/services/kansas-cipa.html>) policy templates, sample policies, text of the proposed regulation, the economic impact statement, dates of the public hearing and slides from the webinar. Libraries have been informed through our list serve of our progress and the availability of the documents and events.