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TO: House Committee on Judiciary

FROM: Lynn D. Hammond, LWVSC

SUBJECT: H.4123, Protection of Minors from Pornography and Obscenities Act

May 5, 2025

As designated representative of The League of Women Voters of South Carolina and the former Director of the SC Healthy Schools program at the South Carolina Department of Education with oversight for Comprehensive Health Education, I am writing to express concerns with H.4123.

Fortunately, South Carolina already protects minor children from pornography and obscenities. This legislation is not needed because of the carefully thought out procedures already in place for selecting materials for sex education instruction in public schools. Local school districts may select materials approved and purchased by the State Board of Education, and they may also select other instructional materials. Current law requires that materials selected by local school districts for public school sex education instruction, be reviewed and approved by a district level 13-member advisory committee that includes 2 parents, 2 teachers, 3 clergy, 2 health professionals, 2 students, and 2 other persons not employed by the local school district, then approved by the local school board (Section 59-32-30 (B)). We believe that these requirements are adequate and that no additional legislation is necessary.

Because this bill broadens the reason for banning materials or performances, allowing exclusion based on only a portion of a material or performance, it does not consider the merit of the work as a whole. One word, sentence, passage or page could cause a material or a performance related to other subjects to be banned and considered illegal if provided to a minor.

The requirement in Section 16-15-385 (C)(2)f for written parental consent for a minor student's participation in sex education or human biology instruction is unnecessary. Current law requires parental notification prior to the course of instruction, the opportunity for parents to review instructional materials, and the opportunity for parents to opt their child out of sex education instruction (Section 59-32-50).

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