



**MEMORANDUM**

**TO:** South Carolina Public Library Directors  
**FROM:** Leesa M. Aiken, Agency Director  
**DATE:** November 4, 2024  
**SUBJECT:** FY25 State Aid to County Library Funding – Proviso 27.1

As you know, during the FY24 legislative session, changes were introduced and adopted relating to State Aid to County Library funds, specifically, Proviso 27.1. The South Carolina State Library is charged with the distribution of State Aid to County Library funds and ensuring compliance with all associated South Carolina Code of Laws and Regulations. In an effort to ensure compliance with all legislation, you may remember that we updated the Collection Development Funding Certification form to ensure that each public library had a Collection Development policy in place, a Request for Reconsideration Form available and that your library card application clearly identifies the age at which a child can obtain a library card without parental consent. We have revised that form to include the specific language of the proviso which reads:

**Proviso 27.1.** (LIB: Aid to Counties Libraries Allotment) The amount appropriated in this section for “Aid to County Libraries” shall be allotted to each county on a per capita basis according to the official United States Census for 2010, as aid to the County Library. No county shall be allocated less than \$150,000 under this provision. To receive this aid, local library support shall not be less than the amount actually expended for library operations from local sources in the second preceding year. Prior to receiving any of these funds, county libraries must 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.

As you also know, the State Library requested the opinion of the South Carolina Attorney General on the matter of navigating differing perspectives when administering policy related specifically to if an item is “prurient”. We received a response from the Attorney General which reads:

*“We decline to opinion on what public library material may or may not appeal to the prurient interest of young adults. We leave those decisions to county public librarians and their boards of trustees.”*

*“Our longstanding policy is not to opine with respect to factual matters which an opinion cannot determine. As to what library materials appeal to the prurient interests of minors, such involves questions of fact. Thus, we must leave those decisions to county public librarians and their boards of trustees.”*

**South Carolina Code of Law, Section 16-15-305.** Disseminating, procuring, or promoting obscenity unlawful; definitions; penalties; obscene material designated contraband defines prurient interest as:

*(3) "prurient interest" means 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.

**South Carolina Code of Laws, Section 60-1-90 and Chapter 75-1 of the South Carolina Code of Regulations** related to governance of public libraries in South Carolina is clear and places the responsibility of collection development at the local level, through the local public library board stating: “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.”

Public Libraries must certify at the beginning of the fiscal year that the library is in compliance with all associated laws and regulations in order to qualify for State Aid to County Libraries.

Please share this memorandum with your Library Board of Trustees.