



SB 74 Will Have Bad Effect on Students' Access to Literature

IDRA Testimony Against SB 74, Submitted by Mikayla Arciaga, M.A.Ed., to the Georgia House Judiciary Non-Civil Subcommittee, February 4, 2026

Dear Chairman Smith and Honorable Members of the Committee:

Madam Chair, members of the committee, thank you guys so much for taking the time to hear from us. And I do want to first say thank you to Chairman Smith and other members of the committee, who I know have put in a lot of input on this bill. This new version of Senate Bill 74 is, we think, a substantial improvement over previous versions that we've seen of this bill.

But we do still oppose this type of legislation on principle. We do feel that it is going to create this chilling effect on access to literature.

My name is Mikayla Arciaga, M.A.Ed. I am the IDRA Georgia Advocacy Director. We also coordinate the Georgia Education Justice Coalition, which is made up of hundreds of members from around the state, including students and parents, teachers, librarians and school counselors who have many concerns about this bill. I don't want to duplicate anything that you have heard and will hear from other speakers, but I do want to frame a significant concern that we have about this bill and bills similar to it in this definition of *obscene* and *harmful to minors*.

We firmly believe, like many others here, that every child deserves to feel represented and valued, and that one of the ways we protect children, particularly those who are gay, lesbian or queer, is by showing them as whole humans and desexualizing their community in literature and media as part of our community and society.

With that in mind, we are concerned about a section of the code that this bill leverages, which is OCG 16-12-102. It is the preceding section. You should potentially have a copy of this definition in front of you, which is this definition of harmful to minors. It includes a section on sexual conduct where the definition of sexual conduct is actual or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact in an act of apparent sexual stimulation or gratification, etc.

Our major concern is this inclusion of homosexuality as a blanket term for sexual conduct. Our understanding is that this definition, as written, would apply to any act of homosexuality in media or literature, not just intercourse, but two men holding hands in a picture book or two women kissing while making dinner in a chapter book.

Our concern is this definition would unintentionally capture an entire aspect of literature that I don't think is the full intention of this body or the author. We have raised these concerns to the author as well as other members of this chamber on both sides as similar legislation has come up.

But we would encourage the committee to resolve this aspect of the code and avoid the specific act of censorship that this legislation will entail by voting no to SB 74.

IDRA is available for any questions or further resources that we can provide. Thank you for your consideration. For more information, please contact Mikayla Arciaga, M.A.Ed., IDRA Georgia Advocacy Director at [mikayla.arciaga@idra.org].

IDRA is an independent, non-profit organization led by Celina Moreno, J.D. Our mission is to achieve equal educational opportunity for every child through strong public schools that prepare all students to access and succeed in college.