

QUESTIONS CERTIFIED TO THE ARKANSAS SUPREME COURT  
BY THE UNITED STATES DISTRICT COURT,  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

QUESTION 1

Is the statute intended to protect *all* minors, i.e. all persons 17-years-of-age and younger, from exposure to "materials harmful to minors"? If the answer is "yes," may the statute nevertheless be interpreted under Arkansas law to protect only those who are the older, more mature minors from exposure to such materials, if that interpretation is the only way to protect the statute from a successful attack under the United States Constitution?

QUESTION 2

The statute makes it unlawful to "display material which is harmful to minors in such a way that minors, as part of the invited general public, will be exposed to view such material." Are books and magazines that have contents containing materials harmful to minors but which have no such materials on their binders or covers being "displayed" under the statute if they are simply shelved in bookcases or on bookshelves without any additional action or effort to single them out or to draw the attention of the "invited general public" thereto?

QUESTION 3

Does a bookseller or librarian "allow to view . . . to a minor . . . any material which is harmful to minors," § 5-68-502(A), by simply shelving and displaying such material, or must he or she affirmatively give permission (i.e. "allow") the minor to view such material before he or she breaches the "allow to view" provision?

#### QUESTION 4

The "Safe Harbor" provision contained in § 5-68-501(1)(B) requires that the material be "segregated in a manner that physically prohibits access to the material by minors." What must booksellers and librarians do to avail themselves of this provision?