

FIRST REGULAR SESSION

HOUSE BILL NO. 1146

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JUSTUS.

2543H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 182, RSMo, by adding thereto one new section relating to reconsideration of library materials.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 182, RSMo, is amended by adding thereto one new section, to be known as section 182.910, to read as follows:

182.910. 1. For purposes of this section, the following terms mean:

(1) "Digital library material" or "digital library materials", includes, but is not limited to, digital audiobooks, electronic books, electronic textbooks, electronic journals, electronic magazines and periodicals, databases, digital test preparation resources, digital vocational and career resources, digital reference resources, streaming video, and academic software programs that are directly accessible through the public library or school library database, excluding any online or digital content available to patrons or students outside of the public library or school library database or platform;

(2) "Library material" or "library materials", any resource in print or nonprint format that is found in a public library or school library and that supports curricular or personal information needs including, but not limited to, books, magazines, newspapers, pamphlets, microfiche, microfilm, films, disc records, filmstrips, slides, prints, audio recordings, video recordings, compact discs, computer software, library programs, and exhibits;

(3) "Reconsideration", a process in which library personnel, public schools, school districts, or library governing bodies review materials in the public library or school library due to a formal complaint filed by a member of the community. The

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 outcome of this reconsideration may include relocating or removing library materials or
19 removing or restricting access to digital library materials;

20 (4) "Relocation", removing materials from one part of the library, such as the
21 children's section, and moving them to another part of the library, such as the adult
22 section;

23 (5) "School library", a library located in an attendance center of a public school
24 district.

25 2. A public library or school library shall establish a policy that is publicly
26 available and posted in a public location and on the website of the school district or
27 governing body of the public library that outlines the process for library materials and
28 digital library materials to undergo reconsideration based on a complaint made about
29 library materials or digital library materials from a member of the community.

30 3. A public library or school library shall remove library materials from its
31 permanent collection, relocate library materials within its collection, or remove or
32 restrict access to digital library materials within its collection only if the library
33 materials have been reviewed in accordance with an established policy for the
34 reconsideration of library materials and digital library materials that complies with the
35 requirements of this section.

36 4. To make a request for reconsideration of library materials or digital library
37 materials, the individual making the request shall sign an affidavit affirming that:

38 (1) Such individual has read or consumed the entirety of the challenged
39 material; and

40 (2) Such individual permanently resides in:

41 (a) The taxing district of the public library in which the request is made; or

42 (b) The school district in which the request is made.

43 5. Each public library or school library shall develop an appeals process for the
44 reconsideration policy that outlines a process for appealing a decision made regarding
45 the removal of library materials or digital library materials. This appeals process shall
46 provide for a final decision on each appeal to be made by a local elected official or group
47 of officials.

48 6. Digital library materials that undergo reconsideration shall be subject to
49 removal or restricted access at the title, issue, and article level. Any third party
50 contracted to provide databases that contain or provide access to digital library
51 materials shall have the ability to curate those materials using a mechanism or tool that
52 allows for the removal or restriction of access to challenged content without disrupting
53 access to the remainder of digital library materials accessible in the public library or

54 school library. Curation of digital library materials shall not be applied at an individual
55 user level, but shall be applied at the library system or school district level.

56 7. Digital library resources shall not track or monitor the access of library
57 materials or digital library materials by individual users, especially minors, including
58 any tracking or monitoring to personalize experiences within the library resources.

59 8. An individual who is a librarian, media specialist, other employee, contractor,
60 or volunteer of a public library or school library shall not be subject to termination,
61 demotion, discipline, retaliation, or any other penalty for refusing to remove library
62 materials or digital library materials before such materials have been reviewed in
63 accordance with a public library or school library policy that complies with the
64 provisions of this section.

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