

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1146**  
**103RD GENERAL ASSEMBLY**

2543H.03C

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

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

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*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", materials that are directly accessible through the public library database including, but not limited to, the following: digital audiobooks, electronic books, electronic textbooks, electronic journals, electronic magazines and periodicals, databases, digital vocational and career resources, digital reference resources, streaming video, and academic software programs. The term "digital library material" or "digital library materials" excludes any online or digital content available to patrons outside of the public library or platform;**
- (2) **"Material" or "materials", any of the following that is available for circulation to the public that is printed or written: any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation; any recording or transcription; any mechanical, chemical, or electrical reproduction; any stored computer data; or anything that is or may be used as a means of communication. "Material" includes, but is not limited to, undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects;**
- (3) **"Minor", an individual who is under eighteen years of age;**

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           **(4) "Reconsideration", a process in which library personnel or library governing**  
19 **bodies review materials in the public library due to a formal complaint. The outcome of**  
20 **this reconsideration may include relocating or removing materials or digital library**  
21 **materials;**

22           **(5) "Relocation", changing the permanent shelving location of material from one**  
23 **section of the library to another section of the library as a result of the final decision of a**  
24 **reconsideration request.**

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

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

35           **4. To make a request for reconsideration of materials or digital library**  
36 **materials, the individual making the request shall sign a form affirming that:**

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

39           **(2) Such individual permanently resides in the taxing district of the public**  
40 **library in which the request is made; and**

41           **(3) Such individual holds a library card for the public library in which the**  
42 **individual is filing the request for reconsideration.**

43           **5. Each public library shall develop an appeals process for the reconsideration**  
44 **policy that outlines a process for appealing a decision made regarding the removal of**  
45 **materials. A record of all appeals requested and their outcomes shall be made available**  
46 **by a public library upon request.**

47           **6. Digital library materials that undergo reconsideration shall be subject to**  
48 **removal at the title, issue, or article level. Any third party contracted to provide**  
49 **databases that contain or provide access to digital library materials shall have the**  
50 **ability to curate those materials using a mechanism or tool that allows for the removal of**  
51 **access to challenged content without disrupting access to the remainder of digital library**  
52 **materials accessible in the public library. Curation of digital library materials shall not**  
53 **be applied at an individual user level, but shall be applied at the local library system**  
54 **level.**

55           **7. To protect a user's privacy and data security, especially if such user is a minor,**  
56 **digital library resources shall not track or provide third-party notification regarding**  
57 **digital library materials accessed by individual users via public library databases.**

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

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