

SECOND REGULAR SESSION

HOUSE BILL NO. 3005

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JUSTUS.

6250H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

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

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 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) "Material" or "materials", any of the following that is available for circulation to the public or public school students 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", any person 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, public schools,
19 school districts, or library governing bodies review materials in the public library or
20 school library due to a formal request or complaint. The outcome of this
21 reconsideration may include relocating or removing materials or removing or
22 restricting access to digital library materials;

23 (5) "Relocation", changing the permanent shelving location of material from one
24 section of the public library or school library to another location or section of the public
25 library or school library as a result of the final decision of a reconsideration request;

26 (6) "School library", a library located in a public school, as that term is defined
27 under section 160.482.

28 2. A public library or school library shall establish a policy that is publicly
29 available and posted in a public location and on the website of the school district or
30 governing body of the public library that outlines the process for materials and digital
31 library materials to undergo reconsideration based on a request or complaint made
32 about materials or digital library materials to a:

33 (1) Public library from a member of the public library's community; or

34 (2) School library from a parent or legal guardian of a student enrolled in the
35 public school of that school library.

36 3. A public library or school library shall remove materials from its permanent
37 collection, relocate materials within its collection, or remove access to digital library
38 materials within its collection only if the materials have been reviewed in accordance
39 with an established policy for the reconsideration of materials and digital library
40 materials that complies with the requirements of this section, except routine collection
41 management. Materials or digital library materials shall not be removed or relocated
42 from circulation while reconsideration is pending. Removal or relocation of materials
43 and removal of access to digital library materials shall only apply to the public library
44 or school library location from which the reconsideration request was filed.

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

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

49 (2) Such individual:

50 (a) Permanently resides in the taxing district of the public library in which the
51 request is made and holds a library card for the public library in which the request is
52 made; or

53 (b) Permanently resides in the school district in which the request is made and is
54 the parent or legal guardian of a student enrolled in the public school in which the
55 request is made.

56 5. Each public library or school library shall develop an appeals process for the
57 reconsideration policy that outlines a process for appealing a decision made regarding
58 the removal or relocation of materials or digital library materials. The appeals process
59 developed by each public library shall include a review board composed of local
60 professional librarians, and the appeals process developed by each school library shall
61 include a review board composed of local professional librarians and teachers. A record
62 of all appeals requested and the appeals' outcomes shall be made available by a public
63 library or school library upon request.

64 6. A public library or school library shall not reconsider the same material more
65 than once every two years; except that, the public library or school library may
66 establish a policy for the reconsideration of material that is longer than two years. A
67 public library or school library shall also develop a reinstatement timeline and process
68 to outline how the public library or school library may reinstate the availability of
69 material or return material to its previous shelving location.

70 7. For digital library materials under reconsideration, any database that
71 aggregates electronic periodical publications, including newspapers, magazines,
72 academic and research journals, or similar, regularly issued publications, shall be
73 subject to removal at the title, issue, or article level. Any third party contracted to
74 provide databases that contain or provide access to digital periodicals shall have the
75 ability to curate those materials using a mechanism or tool that allows for the removal of
76 challenged content without disrupting access to the remainder of digital library
77 materials accessible in the public library or school library. Digital library databases
78 that do not aggregate periodical content shall not be required to conduct this level of
79 curation. Curation of digital library materials shall not be applied at an individual user
80 level, but shall be applied at the public library or school library where the
81 reconsideration request was filed.

82 8. To protect a user's privacy and data security, especially if such user is a minor,
83 digital library resources shall not be required to track or provide third-party
84 notification regarding digital library materials accessed by individual users via public
85 library databases and school library databases.

86 9. An individual who is a librarian, media specialist, other employee, contractor,
87 or volunteer of a public library or school library shall not be subject to termination,
88 demotion, discipline, retaliation, or any other penalty for refusing to remove materials

89 **or digital library materials before such materials have been reviewed in accordance with**
90 **a public library or school library policy that complies with the provisions of this section.**

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