

FIRST REGULAR SESSION

SENATE BILL NO. 159

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HENDERSON.

1358S.01H

KRISTINA MARTIN, Secretary

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
2 one new section, to be known as section 182.910, to read as
3 follows:

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

3 (1) "Digital library material" or "digital library
4 materials", includes, but is not limited to, digital
5 audiobooks, electronic books, electronic textbooks,
6 electronic journals, electronic magazines and periodicals,
7 databases, digital test preparation resources, digital
8 vocational and career resources, digital reference
9 resources, digital readers' advisory resources, streaming
10 video, and academic software programs that are directly
11 accessible through the public library or school library
12 database, excluding any online or digital content available
13 to patrons or students outside of the public library or
14 school library database or platform;

15 (2) "Library material" or "library materials", any
16 resource in print or non-print format that is found in a
17 public library or school library and that supports
18 curricular or personal information needs, including, but not

19 limited to, books, magazines, newspapers, pamphlets,
20 microfiche, microfilm, films, disc records, filmstrips,
21 slides, prints, audio recordings, video recordings, compact
22 discs, computer software, library programs, and exhibits;

23 (3) "Reconsideration", a process in which library
24 personnel, public schools, school districts, or library
25 governing bodies review materials in the public library or
26 school library due to a formal complaint filed by a member
27 of the community. The outcome of this reconsideration may
28 include relocating or removing library materials or removing
29 or restricting access to digital library materials;

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

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

35 2. A public library or school library shall establish
36 a policy that is publicly available and posted in a public
37 location and on the website of the school district or
38 governing body of the public library that outlines the
39 process for library materials and digital library materials
40 to undergo reconsideration based on a complaint made about
41 library materials or digital library materials from a member
42 of the community.

43 3. A public library or school library shall remove
44 library materials from its permanent collection, relocate
45 library materials within its collection, or remove or
46 restrict access to digital library materials within its
47 collection only if the library materials have been reviewed
48 in accordance with an established policy for the
49 reconsideration of library materials and digital library

50 materials that complies with the requirements of this
51 section.

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

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

57 (2) Such individual permanently resides in:

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

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

61 5. Each public library or school library shall develop
62 an appeals process for the reconsideration policy that
63 outlines a process for appealing a decision made regarding
64 the removal of library materials or digital library
65 materials. This appeals process shall provide for a final
66 decision on each appeal to be made by a local elected
67 official or group of officials.

68 6. Digital library materials that undergo
69 reconsideration shall be subject to removal or restricted
70 access at the title, issue, and article level. Any third
71 party contracted to provide databases that contain or
72 provide access to digital library materials shall have the
73 ability to curate those materials using a mechanism or tool
74 that allows for the removal or restriction of access to
75 challenged content without disrupting access to the
76 remainder of digital library materials accessible in the
77 public library or school library. Curation of digital
78 library materials shall not be applied at an individual user
79 level, but shall be applied at the library system or school
80 district level.

81 7. Digital library resources shall not track or
82 monitor the access of library materials or digital library
83 materials by individual users, especially minors, including
84 any tracking or monitoring to personalize experiences within
85 the library resources.

86 8. An individual who is a librarian, media specialist,
87 other employee, contractor, or volunteer of a public library
88 or school library shall not be subject to termination,
89 demotion, discipline, retaliation, or any other penalty for
90 refusing to remove library materials or digital library
91 materials before such materials have been reviewed in
92 accordance with a public library or school library policy
93 that complies with the provisions of this act.

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