

SECOND REGULAR SESSION

# SENATE BILL NO. 1136

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HENDERSON.

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4735S.01I

KRISTINA MARTIN, Secretary

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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  
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) "Relocating", 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 respond to  
44 a reconsideration request by removing library materials from  
45 its permanent collection, relocating library materials  
46 within its collection, or removing or restricting access to  
47 digital library materials within its collection only if the  
48 materials have been reviewed in accordance with an  
49 established policy for the reconsideration of library

50 materials and digital library materials that complies with  
51 the requirements of this 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, including 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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