

# HOUSE BILL NO. 6034

November 07, 2024, Introduced by Reps. Paiz, Glanville, Edwards, Price, McFall, Neeley, O'Neal, MacDonell, Martus, Conlin, Tyrone Carter, Pohutsky, Wegela, Mentzer, Dievendorf, Hood, Andrews, Byrnes, Wilson, Brabec, Rogers, Morgan and McKinney and referred to the Committee on Government Operations.

A bill to create standards and processes for the selection of materials for inclusion in or withdrawal from the collections of certain public libraries; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "public library freedom  
2 to read act".

3           Sec. 2. As used in this act:

4           (a) "Contracted service area" means a jurisdiction for which a

1 public library receives state aid under the state aid to public  
2 libraries act, 1977 PA 89, MCL 397.551 to 397.576, or under 1964 PA  
3 59, MCL 397.31 to 397.40, pursuant to a contract.

4 (b) "Legal service area" means any of the following:

5 (i) The city, township, or village in which a public library is  
6 established under 1877 PA 164, MCL 397.201 to 397.217, by charter  
7 or ordinance.

8 (ii) The county in which a county library is established under  
9 1917 PA 138, MCL 397.301 to 397.305.

10 (iii) The jurisdiction in which a public library has been  
11 established by a local or special act.

12 (c) "Material" means an individual book, magazine, DVD, CD-  
13 ROM, or other audio-visual material that is a tangible item or an  
14 electronically available item in the public library's collection.  
15 Material includes a public library program. Material does not  
16 include any of the following:

17 (i) A website available through the public library's computers  
18 or internet connection.

19 (ii) An item available through interlibrary loan.

20 (iii) A program not sponsored or operated by the public library.

21 (iv) A label placed on materials.

22 (v) A public library's display or location of its materials.

23 (vi) An item available through databases or electronic services  
24 for which the public library does not have direct control or  
25 authority for selection.

26 (d) "Public library" means a library, the whole interests of  
27 which belong to the general public, lawfully established for free  
28 public purposes by any 1 or more counties, cities, townships,  
29 villages, school districts or other local governments, or by a

1 general or local act. Public library does not include either of the  
2 following:

3 (i) A district library established under the district library  
4 establishment act, 1989 PA 24, MCL 397.171 to 397.196.

5 (ii) A special library, including, but not limited to, a  
6 professional or technical library or a school library.

7 (e) "Request for reconsideration" means a request to remove  
8 material from a public library's collection other than through the  
9 withdrawal process.

10 (f) "Selection" means the process by which a public library  
11 determines which items to include within the public library's  
12 collection, through purchase, donation, or other means.

13 (g) "Unusual circumstances" means 1 or more of the following,  
14 but only to the extent necessary for the proper processing of a  
15 request for reconsideration:

16 (i) The need to examine or review a voluminous number of  
17 separate and distinct requests for reconsideration that were  
18 submitted at the same time or within the same 30-day period.

19 (ii) The need to provide sufficient time for an individual  
20 responsible for reviewing or deciding the request for  
21 reconsideration to review the material.

22 (iii) The need to schedule a public library board meeting to  
23 address a request for reconsideration.

24 (h) "Withdrawal" means the routine or periodic removal of  
25 materials from a public library's collection for reasons stated in  
26 the public library's policy.

27 Sec. 3. (1) Subject to section 4, and except as otherwise  
28 provided by law, the director or, if there is no director, the  
29 chief executive employee working at the public library, has the

1 final responsibility for the selection of materials for inclusion  
2 or withdrawal in a public library's collection. The director or  
3 chief executive employee may designate another individual to act on  
4 the director's or chief executive employee's behalf to assist with  
5 selection or withdrawal.

6 (2) By not later than 90 days after the effective date of this  
7 act, if a public library does not have a policy in effect that  
8 complies with this act, a public library must adopt a policy or  
9 amend an existing policy that identifies, at a minimum, all of the  
10 following:

11 (a) Standards for selection of material for the public  
12 library's collection.

13 (b) Standards for the withdrawal of material from the public  
14 library's collection.

15 (c) A process for a request for reconsideration of the  
16 inclusion of material in the public library's collection.

17 (d) Conditions that must be met before the public library will  
18 review a request for reconsideration, which may include any of the  
19 following:

20 (i) The reason for the request for reconsideration of the  
21 public library's material. A reason that is not in compliance with  
22 this act must not be considered by the public library.

23 (ii) That the individual making the request for reconsideration  
24 certifies that the requester has read the entire material before  
25 filing the request for reconsideration. If the request for  
26 reconsideration involves a program, the request for reconsideration  
27 must certify that the requester has attended the program or read  
28 the description of the program. If the request for reconsideration  
29 involves audio or video material, the request for reconsideration

1 must certify that the requester has listened to or viewed the  
2 entire audio or video material.

3 (iii) A request for reconsideration of material may be made only  
4 by a resident of the public library's legal service area or  
5 contracted service area.

6 (iv) If a request for reconsideration of a material has been  
7 determined by the public library, the public library shall not  
8 consider a request for reconsideration of that same material within  
9 365 days after that determination.

10 (v) Under unusual circumstances, that the public library may  
11 extend the period during which the public library must respond to  
12 the request for reconsideration.

13 (vi) Any other lawful requirement.

14 Sec. 4. (1) A request for reconsideration may be made to a  
15 public library only for material owned or controlled by that public  
16 library.

17 (2) A reason or basis for a request for reconsideration cannot  
18 be made based on the religion, race, color, national origin, age,  
19 sex, sexual orientation, gender identity or expression, height,  
20 weight, familial status, or marital status of the author or because  
21 the subject matter, content, or viewpoint of the material involves  
22 religion, race, color, national origin, age, sex, sexual  
23 orientation, gender identity or expression, height, weight,  
24 familial status, or marital status. The director or, if there is no  
25 director, the chief executive employee working at the public  
26 library has discretion to determine if the reasons stated in a  
27 request for reconsideration comply with this subsection.

28 (3) A public library shall not grant a request for  
29 reconsideration based on the subject matter, content, or viewpoint

1 of material, unless the material has been adjudicated to be obscene  
2 or otherwise unprotected by the First Amendment of the Constitution  
3 of the United States or by section 5 of article I of the state  
4 constitution of 1963, as determined by a court of competent  
5 jurisdiction over the community in which the public library serves.

6       Sec. 5. (1) The attorney general may, on behalf of the Library  
7 of Michigan, commence a civil action seeking a mandamus or other  
8 action to compel the public library to adopt a policy in compliance  
9 with this act.

10       (2) The attorney general, a resident of the public library's  
11 legal service area, or a resident of the public library's  
12 contracted service area may commence a civil action for any of the  
13 following:

14       (a) A temporary or permanent injunction to prevent the public  
15 library from unlawful removal of material in violation of this act.

16       (b) A mandamus or other action to compel the public library to  
17 return material to the collection that is removed in violation of  
18 this act.

19       Enacting section 1. This act does not take effect unless  
20 Senate Bill No.\_\_\_\_ or House Bill No. 6035(request no. 04710'23) of  
21 the 102nd Legislature is enacted into law.