

HOUSE No. 4235

The Commonwealth of Massachusetts

PRESENTED BY:

Aaron L. Saunders

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act protecting against attempts to ban, remove, or restrict library access to materials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Aaron L. Saunders</i>	<i>7th Hampden</i>	<i>7/5/2023</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>7/6/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>7/12/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>7/12/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>7/12/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>7/12/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>7/12/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>7/14/2023</i>

HOUSE No. 4235

By Representative Saunders of Belchertown, a petition (subject to Joint Rule 12) of Aaron L. Saunders and others for legislation to further regulate access to certain library materials. Tourism, Arts and Cultural Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act protecting against attempts to ban, remove, or restrict library access to materials.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are to protect against attempts to ban, remove or restrict library access to materials, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 10 of chapter 78 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 8, the words “male or female,”.

3 SECTION 2. Said section 10 of said chapter 78, as so appearing, is hereby further
4 amended by striking out, in line 13, the word “chairman” and inserting in place thereof the
5 following word:- chair.

6 SECTION 3. Section 11 of said chapter 78, as so appearing, is hereby amended by adding
7 the following sentence:- The board shall implement standards adopted by the American Library
8 Association, including, but not limited to, its Library Bill of Rights, and shall, subject to

9 appropriation, appropriate funding to support the expansion of access to library materials as
10 necessitated by said standards.

11 SECTION 4. Section 14 of said chapter 78, as so appearing, is hereby amended by
12 striking out, in line 5, the word “his” and inserting in place thereof the following words:- the
13 member’s.

14 SECTION 5. Said section 14 of said chapter 78, as so appearing, is hereby further
15 amended by striking out, in line 13, the word “chairman” and inserting in place thereof the
16 following word:- chair.

17 SECTION 6. Said section 14 of said chapter 78, as so appearing, is hereby further
18 amended by striking out, in lines 18 and 21, the word “his” and inserting in place thereof, in each
19 instance, the following word:- their.

20 SECTION 7. Said section 14 of said chapter 78, as so appearing, is hereby further
21 amended by striking out, in line 19, the word “him” and inserting in place thereof the following
22 words:- the director.

23 SECTION 8. Said section 14 of said chapter 78, as so appearing, is hereby further
24 amended by striking out, in line 22, the word “him” and inserting in place thereof the following
25 words:- the deputy director.

26 SECTION 9. Section 15 of said chapter 78, as so appearing, is hereby amended by
27 inserting after the word “library”, in line 6, the following words:- in accordance with standards
28 adopted by the American Library Association including, but not limited to, its Library Bill of
29 Rights.

30 SECTION 10. Section 19A of said chapter 78, as so appearing, is hereby amended by
31 inserting after the word “board”, in line 5, the following words:- , which shall include, but not
32 limited to, adhering to the American Library Association’s Library Bill of Rights. If a town or
33 city does not follow these criteria and if the city or town takes action to ban materials and library
34 access, they lose access to the State Aid.

35 SECTION 11. Section 19E of said chapter 78, as so appearing, is hereby amended by
36 adding the following paragraph:-

37 To expand access to resources. The board shall adopt and offer guidelines consistent
38 with the standards adopted by the American Library Association including, but not limited to, its
39 Library Bill of Rights.

40 SECTION 12. Section 33 of said chapter 78, as so appearing, is hereby amended by
41 inserting after the word “establish”, in line 3, the following words:- and implement.

42 SECTION 13. Said section 33 of said chapter 78, as so appearing, is further amended by
43 inserting after the word “Association”, in line 6, the following words:- including, but not limited
44 to, its Library Bill of Rights

45 SECTION 14. Said chapter 78 is hereby further amended by adding the following 2
46 sections: -

47 Section 35. There shall be established and set up on the books of the commonwealth a
48 separate fund, to be known as the Book Access Fund, that will be allocated to cities or towns that
49 have challenged the banning of books. The board of library commissioners shall administer
50 allocation to the treasurer of cities or towns. Notwithstanding any general or special law to the

51 contrary, there shall be credited to the fund any revenue subject to appropriations or other money
52 authorized by the general court and specifically designated to be credited to the fund.
53 Expenditures made from the fund shall complement and not replace existing local, state, private
54 or federal funding. Amounts credited to the fund shall be expended, without further
55 appropriation, including but not limited to increasing collections of books, staff training, and
56 supporting programming that expand access to library materials. The board of library
57 commissioners shall promulgate guidelines as necessary to implement this section.

58 Section 36. The board of library commissioners shall promulgate rules and regulations
59 to:

60 (i) implement the American Library Association's Library Bill of Rights;

61 (ii) provide library service for every citizen in the commonwealth by extending library
62 facilities to underserved areas;

63 (iii) provide library materials to meet the needs of students at every educational level;

64 (iv) provide adequate library materials to satisfy the reference and research needs of the
65 citizens of the commonwealth;

66 (v) provide an adequate staff of professionally- trained librarians for the commonwealth;

67 (vi) ensure that materials are not to be removed because of partisan or doctrinal and
68 develop a written statement declaring the inherent authority of the library or library system to
69 provide an adequate collection stock of books and other materials sufficient in size and varied in
70 kind and subject matter to satisfy the needs of the citizens of the Commonwealth and prohibit the
71 practice of banning specific books or resources;

72 (vii) provide adequate library outlets and facilities with convenient locations and hours of
73 operation to serve the citizens of the commonwealth;

74 (viii) encourage existing and new libraries to develop library systems serving a
75 sufficiently large population to support adequate library service at a reasonable cost; and

76 (ix) foster the economic and efficient utilization of public funds.

77 SECTION 15. The board of library commissioners shall submit a report on the banning
78 of books in the commonwealth and its impact on communities along with recommendations, if
79 any, on how to ensure the expansion of library materials and protect against attempts to ban,
80 remove, or otherwise restrict access to books or other materials to the clerks of the senate and
81 house of representative, joint committee on municipalities and regional government, and the
82 senate and house committee on ways and means.