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SENATE BILL 24-216

BY SENATOR(S) Cutter and Michaelson Jenet, Kolker, Buckner, Coleman, Danielson, Fields, Gonzales, Jaquez Lewis, Marchman, Sullivan, Winter F.;

also REPRESENTATIVE(S) Joseph and Hamrick, Bacon, Boesenecker, Brown, English, Epps, Froelich, Garcia, Hernandez, Herod, Kipp, Lieder, Lindsay, Mabrey, Marvin, Mauro, McCormick, McLachlan, Ortiz, Parenti, Ricks, Rutinel, Sirota, Story, Titone, Valdez, Vigil, Willford.

CONCERNING STANDARDS THAT PUBLIC LIBRARIES ARE REQUIRED TO
INCLUDE IN POLICIES REGARDING LIBRARY RESOURCES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that librarians are highly trained and educated and that they intentionally and thoughtfully select library resources for their specific communities to educate and entertain public library patrons.

(2) The general assembly further finds and declares that:

(a) A full range of books and other library resources should be provided for the interest and enlightenment of all people in the communities

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

that public libraries serve;

(b) The opportunity to be exposed to a wide variety of perspectives and experiences via books and other library materials engenders empathy and understanding;

(c) Recent challenges to library materials have targeted various protected classes, including individuals based on their race and sexual orientation, constituting dangerous discrimination and limiting some individuals from adequate representation and participation in institutional public life;

(d) Community members have challenged the inclusion of library resources in public libraries and have successfully demanded the removal of library resources;

(e) Removing library resources prevents others from examining, enjoying, and learning from the removed library resources; and

(f) It is important that public libraries' policies for the acquisition, retention, display, reconsideration, and use of library resources and for the use of public library facilities comply with standards that identify the priorities and mission of public libraries.

SECTION 2. In Colorado Revised Statutes, **add** 24-90-122 as follows:

24-90-122. Public libraries - standards for acquisition - retention - display - utilization - reconsideration of library resources - use of library facilities - employee protections - definition. (1) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND NON-PRINT, FOUND IN A PUBLIC LIBRARY THAT SUPPORTS CURRICULAR OR PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR MICROFILM. NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS, SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, COMPUTER SOFTWARE, LIBRARY PROGRAMS, AND EXHIBITS.

(b) "PUBLIC LIBRARY" MEANS A PUBLIC LIBRARY AS DEFINED IN SECTION 24-90-103 (13) THAT IS ESTABLISHED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 1.

(2) **Standards.** IN ADDITION TO THE POWERS AND DUTIES SPECIFIED IN SECTION 24-90-109, A BOARD OF TRUSTEES OF A PUBLIC LIBRARY SHALL ESTABLISH WRITTEN POLICIES FOR THE ACQUISITION, RETENTION, DISPLAY, AND USE OF LIBRARY RESOURCES AND FOR THE USE OF A PUBLIC LIBRARY FACILITY. IN ADDITION, THE BOARD OF TRUSTEES OF A PUBLIC LIBRARY THAT RECONSIDERS LIBRARY RESOURCES AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION SHALL ESTABLISH A WRITTEN POLICY FOR THE RECONSIDERATION OF A LIBRARY RESOURCE. THE BOARD OF TRUSTEES SHALL ESTABLISH POLICIES AS REQUIRED BY THIS SUBSECTION (2) THAT, AT A MINIMUM, COMPLY WITH THE FOLLOWING STANDARDS:

(a) A PUBLIC LIBRARY SERVES AS A CENTER FOR VOLUNTARY INQUIRY AND THE DISSEMINATION OF INFORMATION AND IDEAS;

(b) THE PUBLIC HAS THE RIGHT TO ACCESS A RANGE OF SOCIAL, POLITICAL, AESTHETIC, MORAL, AND OTHER IDEAS AND EXPERIENCES THROUGH A PUBLIC LIBRARY;

(c) EACH LIBRARY RESOURCE IS PROVIDED FOR THE INTEREST, INFORMATION, AND ENLIGHTENMENT OF THE COMMUNITY AND SHOULD PRESENT DIVERSE POINTS OF VIEW IN THE COLLECTION AS A WHOLE;

(d) A PUBLIC LIBRARY SHALL NOT EXCLUDE A LIBRARY RESOURCE BECAUSE OF THE ETHNIC ORIGIN, ETHNIC BACKGROUND, OR GENDER IDENTITY OF THOSE CONTRIBUTING TO THE CREATION OF THE LIBRARY RESOURCE OR BECAUSE OF THE TOPIC ADDRESSED BY THE LIBRARY RESOURCE OR THE OPINIONS EXPRESSED IN THE LIBRARY RESOURCE;

(e) A PUBLIC LIBRARY SHALL NOT PROSCRIBE OR PROHIBIT THE CIRCULATION OR PROCUREMENT OF A LIBRARY RESOURCE BECAUSE OF PARTISAN OR DOCTRINAL DISAPPROVAL OF THE LIBRARY RESOURCE;

(f) IT IS THE RESPONSIBILITY OF A PUBLIC LIBRARY TO CHALLENGE CENSORSHIP IN THE FULFILLMENT OF ITS RESPONSIBILITY TO PROVIDE INFORMATION AND ENLIGHTENMENT;

(g) A PUBLIC LIBRARY SHALL CONSIDER THE PERSPECTIVES OF MARGINALIZED GROUPS, INCLUDING THOSE IDENTIFIED IN SECTION 22-1-104 (1)(a);

(h) FOR A PUBLIC LIBRARY THAT PROVIDES FACILITIES TO THE PUBLIC, THE LIBRARY SHALL MAKE THE FACILITIES AVAILABLE ON AN EQUITABLE BASIS, REGARDLESS OF THE BELIEFS OR AFFILIATIONS OF INDIVIDUALS OR GROUPS REQUESTING THEIR USE; AND

(i) A PUBLIC LIBRARY SHALL PROHIBIT DISCRIMINATION BASED ON AGE, BACKGROUND, POLITICAL OR RELIGIOUS VIEWS, ORIGIN, DISABILITY, RACE, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY IN THE SELECTION, RETENTION, DISPLAY, USE, OR RECONSIDERATION OF LIBRARY RESOURCES AND PUBLIC MEETING SPACES.

(3) **Reconsideration of library resources.** (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(a)(II) OF THIS SECTION, A PUBLIC LIBRARY MAY REMOVE A LIBRARY RESOURCE FROM ITS PERMANENT COLLECTION ONLY IF THE LIBRARY RESOURCE HAS BEEN REVIEWED IN ACCORDANCE WITH AN ESTABLISHED POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION. A PUBLIC LIBRARY THAT HAS NOT ESTABLISHED A POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR THAT HAS A POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES THAT DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION MAY NOT REMOVE A LIBRARY RESOURCE FROM ITS PERMANENT COLLECTION.

(II) THE PROVISIONS OF SUBSECTION (3)(a)(I) OF THIS SECTION DO NOT APPLY TO ROUTINE COLLECTION MAINTENANCE AND DEACCESSION IN ACCORDANCE WITH A PUBLIC LIBRARY'S ESTABLISHED COLLECTION DEVELOPMENT AND MAINTENANCE POLICY.

(b) THE BOARD OF TRUSTEES OF A PUBLIC LIBRARY THAT HAS ESTABLISHED A POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION AND THAT RECONSIDERS LIBRARY RESOURCES IN ACCORDANCE WITH THAT POLICY SHALL MAKE ITS RECONSIDERATION POLICY AVAILABLE TO THE PUBLIC ON ITS WEBSITE.

(c) TO MAKE A REQUEST FOR RECONSIDERATION OF A LIBRARY RESOURCE, THE INDIVIDUAL MAKING THE REQUEST MUST RESIDE IN THE LEGAL SERVICE AREA FOR THE LIBRARY IN WHICH THE REQUEST IS MADE.

(d) A PUBLIC LIBRARY SHALL NOT RECONSIDER THE SAME LIBRARY RESOURCE MORE THAN ONCE EVERY TWO YEARS; EXCEPT THAT A PUBLIC LIBRARY'S ESTABLISHED POLICY FOR THE RECONSIDERATION OF A LIBRARY RESOURCE MAY SPECIFY A PERIOD LONGER THAN TWO YEARS DURING WHICH THE PUBLIC LIBRARY WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

(e) (I) ONCE A FINAL DETERMINATION HAS BEEN MADE FOR A LIBRARY RESOURCE THAT IS THE SUBJECT OF A REQUEST FOR RECONSIDERATION, THE BOARD OF TRUSTEES SHALL MAKE THE DETERMINATION AND HOW IT COMPORTS WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION AVAILABLE TO THE PUBLIC.

(II) A PUBLIC LIBRARY SHALL NOT REMOVE, DISCONTINUE, OR RESTRICT A LIBRARY RESOURCE AS THE RESULT OF A REQUEST FOR RECONSIDERATION UNTIL THE DETERMINATION REGARDING THE LIBRARY RESOURCE HAS BEEN MADE AVAILABLE TO THE PUBLIC PURSUANT TO SUBSECTION (3)(e)(I) OF THIS SECTION.

(f) A WRITTEN REQUEST FOR RECONSIDERATION OF A LIBRARY RESOURCE IS NOT A LIBRARY USER RECORD AS DESCRIBED IN SECTION 24-90-119 (1). A WRITTEN REQUEST FOR RECONSIDERATION OF A LIBRARY RESOURCE IS AN OPEN RECORD UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE 24.

(4) **Retaliation against library employees prohibited.** AN INDIVIDUAL WHO IS A LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE, CONTRACTOR, OR VOLUNTEER AT A PUBLIC LIBRARY SHALL NOT BE SUBJECT TO TERMINATION, DEMOTION, DISCIPLINE, OR RETALIATION FOR REFUSING TO REMOVE A LIBRARY RESOURCE BEFORE IT HAS BEEN REVIEWED IN ACCORDANCE WITH THE PUBLIC LIBRARY'S POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR FOR MAKING DISPLAYS, ACQUISITIONS, OR PROGRAMMING DECISIONS THAT THE LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE, CONTRACTOR, OR VOLUNTEER BELIEVES, IN GOOD FAITH, ARE IN ACCORDANCE WITH THE STANDARDS SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 24-90-119, **add** (4) as follows:

24-90-119. Privacy of user records. (4) A WRITTEN REQUEST FOR RECONSIDERATION OF A LIBRARY RESOURCE MADE AT A PUBLIC LIBRARY PURSUANT TO SECTION 24-90-122 (3) IS NOT A LIBRARY USER RECORD AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO