

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-1177.02 Nicole Myers x4326

SENATE BILL 24-216

SENATE SPONSORSHIP

Cutter and Michaelson Jenet, Kolker

HOUSE SPONSORSHIP

Joseph,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the board of trustees of a public library (board) to establish written policies for the acquisition, retention, display, and use of library resources and for the use of a public library facility. In addition, if a public library reconsiders library resources, the board is also required to establish a written policy for the reconsideration of a library resource. The board is required to comply with specified standards in establishing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

a policy for the acquisition, retention, display, use, and reconsideration of library resources and for the use of public library facilities.

The bill specifies that 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 standards established in the bill. 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 standards established in the bill may not remove a library resource from its permanent collection. These requirements do not apply to routine collection maintenance and weeding in accordance with a public library's established collection maintenance policy. The board is required to make its process for the reconsideration of library materials available to the public.

After reviewing a library resource that is the subject of a request for reconsideration and making a final determination regarding the library resource, the board is required to make the determination available to the public.

The bill specifies that a request for reconsideration of a library resource is not a library user record as described in current law and instead is an open record under the "Colorado Open Records Act".

The bill specifies that a librarian, media specialist, other employee, contractor, or volunteer (employee) at a public library is not 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 employee believes, in good faith, are in accordance with the standards established in the bill.

The bill specifies that it is a discriminatory practice and unlawful for any person to discriminate against any individual or group in the acquisition, retention, display, use, or reconsideration of a library resource or in the use of a public library facility.

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

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

- 1 (2) The general assembly further finds and declares that:
- 2 (a) A full range of books and other library resources should be
3 provided for the interest and enlightenment of all people in the
4 communities that public libraries serve;
- 5 (b) The opportunity to be exposed to a wide variety of
6 perspectives and experiences via books and other library materials
7 engenders empathy and understanding;
- 8 (c) Recent challenges to library materials have targeted various
9 protected classes, including individuals based on their race and sexual
10 orientation, constituting dangerous discrimination and limiting some
11 individuals from adequate representation and participation in institutional
12 public life;
- 13 (d) Community members have challenged the inclusion of library
14 resources in public libraries and have successfully demanded the removal
15 of library resources;
- 16 (e) Removing library resources prevents others from examining,
17 enjoying, and learning from the removed library resources; and
- 18 (f) It is important that public libraries' policies for the acquisition,
19 retention, display, reconsideration, and use of library resources and for the
20 use of public library facilities comply with standards that identify the
21 priorities and mission of public libraries.

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

24 **24-90-122. Public libraries - standards for acquisition -**
25 **retention - display - utilization - reconsideration of library resources**
26 **- use of library facilities - employee protections - definition.**

27 (1) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT

1 OTHERWISE REQUIRES:

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

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

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

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

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

27 (c) EACH LIBRARY RESOURCE IS PROVIDED FOR THE INTEREST,

1 INFORMATION, AND ENLIGHTENMENT OF THE COMMUNITY AND SHOULD
2 PRESENT DIVERSE POINTS OF VIEW IN THE COLLECTION AS A WHOLE;

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

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

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

15 (g) A PUBLIC LIBRARY SHALL CONSIDER THE PERSPECTIVES OF
16 MARGINALIZED GROUPS, INCLUDING THOSE IDENTIFIED IN SECTION
17 22-1-104 (1)(a);

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

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

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

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

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

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

26 (d) A PUBLIC LIBRARY SHALL NOT RECONSIDER THE SAME LIBRARY
27 RESOURCE MORE THAN ONCE EVERY FIVE YEARS.

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

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

11 (f) A WRITTEN REQUEST FOR RECONSIDERATION OF A LIBRARY
12 RESOURCE IS NOT A LIBRARY USER RECORD AS DESCRIBED IN SECTION
13 24-90-119(1). A WRITTEN REQUEST FOR RECONSIDERATION OF A LIBRARY
14 RESOURCE, INCLUDING THE NAME OF THE REQUESTER, IS AN OPEN RECORD
15 UNDER THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF
16 THIS TITLE 24.

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

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

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

7 **SECTION 4.** In Colorado Revised Statutes, 24-34-601, **amend**
8 (2)(b); and **add** (2.7) as follows:

9 **24-34-601. Discrimination in places of public accommodation**
10 **- definition.** (2) (b) A claim brought pursuant to ~~paragraph (a) of this~~
11 ~~subsection (2)~~ SUBSECTION (2)(a) OR (2.7) OF THIS SECTION that is based
12 on disability is covered by the provisions of section 24-34-802.

13 (2.7) (a) IT IS A DISCRIMINATORY PRACTICE AND UNLAWFUL FOR
14 ANY PERSON TO DISCRIMINATE AGAINST ANY INDIVIDUAL OR GROUP
15 BECAUSE OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION,
16 GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS, NATIONAL
17 ORIGIN, OR ANCESTRY IN THE ACQUISITION, RETENTION, DISPLAY, USE, OR
18 RECONSIDERATION OF A LIBRARY RESOURCE OR IN THE USE OF A PUBLIC
19 LIBRARY FACILITY.

20 (b) AS USED IN THIS SUBSECTION (2.7), UNLESS THE CONTEXT
21 OTHERWISE REQUIRES, "LIBRARY RESOURCE" MEANS MATERIAL, BOTH
22 PRINT AND NON-PRINT, FOUND IN A LIBRARY THAT SUPPORTS CURRICULAR
23 AND PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE BOOKS,
24 MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR MICROFILM.
25 NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS, SLIDES,
26 PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, COMPUTER
27 SOFTWARE, PUBLIC MEETING SPACES, LIBRARY PROGRAMS, AND EXHIBITS.

1 **SECTION 5. Safety clause.** The general assembly finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety or for appropriations for
4 the support and maintenance of the departments of the state and state
5 institutions.