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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4373

02/28/2024 Authored by Frazier, Bahner, Coulter, Elkins, Edelson and others
The bill was read for the first time and referred to the Committee on Education Policy
03/20/2024 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public libraries; prohibiting book banning; establishing a public library
1.3 bill of rights; modifying eligibility requirements for various library state aids;
1.4 creating a private right of action and providing for attorney general enforcement;
1.5 proposing coding for new law in Minnesota Statutes, chapter 134.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [134.55] BOOK BANNING PROHIBITED; PUBLIC LIBRARY BILL
1.8 OF RIGHTS.

1.9 Subdivision 1. Policy statement. It is the policy of the state to encourage and protect
1.10 the freedom of public libraries and public library systems to acquire materials without
1.11 external limitation and to be protected against attempts to ban, remove, or otherwise restrict
1.12 access to books or materials.

1.13 Subd. 2. Definition. For purposes of this section, the term "public library" means:

1.14 (1) a library that provides free access to all residents of a city or county, receives at least
1.15 half of its financial support from public funds, and is organized under the provisions of this
1.16 chapter, except for libraries such as law, medical, or other libraries organized to serve a
1.17 special group of persons;

1.18 (2) a library under section 134.195;

1.19 (3) a school district or charter school library or media center; and

1.20 (4) a public higher education institution library.

2.1 Subd. 3. **Library bill of rights** The state affirms that all public libraries are forums for  
2.2 information and ideas and that the following basic policies shall be adopted to guide their  
2.3 services:

2.4 (1) books and other library resources should be provided for the interest, information,  
2.5 and enlightenment of all people in the community the library serves. Materials should not  
2.6 be excluded because of the origin, background, or views of those contributing to their  
2.7 creation;

2.8 (2) libraries should provide materials and information presenting all points of view on  
2.9 current and historical issues;

2.10 (3) library materials should not be proscribed or removed because of partisan or doctrinal  
2.11 disapproval;

2.12 (4) libraries should challenge censorship to fulfill their responsibility to provide  
2.13 information and enlightenment;

2.14 (5) libraries should cooperate with all persons and groups concerned with resisting the  
2.15 abridgment of free expression and free access to ideas; and

2.16 (6) a person's right to use a library should not be denied or abridged because of origin,  
2.17 age, background, or views.

2.18 Subd. 4. **Eligibility for aid.** Notwithstanding any other provision in this chapter, a public  
2.19 library is not eligible to receive any state aid or grant under this chapter unless the library  
2.20 or the entity that controls the library has adopted the public library bill of rights under  
2.21 subdivision 3.

2.22 Subd. 5. **Book banning prohibited.** A public library must not ban, remove, or otherwise  
2.23 restrict access to a book or other material based on its viewpoint or the message, ideas, or  
2.24 opinions it conveys.

2.25 Subd. 6. **Enforcement; civil action.** (a) Any person injured by a violation of subdivision  
2.26 5 may bring a civil action against the public library or the entity that controls the library for  
2.27 injunctive relief together with costs and reasonable attorney fees, and receive other equitable  
2.28 relief as determined by the court. In addition to all other damages, the court may impose a  
2.29 civil penalty payable to the plaintiff of up to \$5,000 for each violation. Civil remedies  
2.30 allowable under this section are cumulative and do not restrict any other right or remedy  
2.31 otherwise available. If the court determines that an action brought under this subdivision is  
2.32 frivolous and without merit and a basis in fact, it may award reasonable costs and attorney  
2.33 fees to the defendant.

3.1 (b) The attorney general may enforce this section under section 8.31.

3.2 Subd. 7. **Limitations.** (a) Nothing in this section shall limit a library's authority to decline  
3.3 to purchase, lend, or shelve or to remove or restrict access to books or other materials as a  
3.4 legitimate part of the library's regular collection development practice or to comply with  
3.5 state or federal law.

3.6 (b) Nothing in this section shall impair or limit the rights of a parent, guardian, or adult  
3.7 student under section 120B.20.

3.8 **EFFECTIVE DATE.** This section is effective July 1, 2024.