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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

1.1 A bill for an act
1.2 relating to libraries; prohibiting book banning by public libraries and school
1.3 libraries; creating a private right of action and providing for attorney general
1.4 enforcement; proposing coding for new law in Minnesota Statutes, chapter 134.

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

1.6 Section 1. [134.55] BOOK BANNING.

1.7 Subdivision 1. Book banning prohibited. (a) A public library or a library or media
1.8 center controlled in whole or in part by a school district, charter school, or public
1.9 postsecondary institution must not ban, remove, or otherwise restrict access to a book or
1.10 other material based on its viewpoint or the messages, ideas, or opinions the book or material
1.11 conveys.

1.12 (b) This section does not limit authority to decline to purchase, lend, or shelve or to
1.13 remove or restrict access to books or other materials legitimately based upon:

1.14 (1) practical reasons, including but not limited to shelf space limitations, rare or
1.15 antiquarian status, damage, or obsolescence;

1.16 (2) legitimate pedagogical concerns, including but not limited to the appropriateness of
1.17 potentially sensitive topics for the library's intended audience, the selection of books and
1.18 materials for a curated collection, or the likelihood of causing a material and substantial
1.19 disruption of the work and discipline of the school; or

1.20 (3) compliance with state or federal law.

1.21 (c) Nothing in this section shall impair or limit the rights of a parent, a guardian, or an
1.22 adult student under section 120B.20.

2.1 Subd. 2. **Enforcement; civil action.** (a) Any person injured by a violation of subdivision
2.2 1 may bring a civil action against the public library, school district, charter school, or public
2.3 postsecondary institution for injunctive relief together with costs and reasonable attorney
2.4 fees, and receive other equitable relief as determined by the court. In addition to all other
2.5 damages, the court may impose a civil penalty payable to the plaintiff of up to \$5,000 for
2.6 each violation. Civil remedies allowable under this section are cumulative and do not restrict
2.7 any other right or remedy otherwise available. If the court determines that an action brought
2.8 under this subdivision is frivolous and without merit and a basis in fact, the court may award
2.9 reasonable costs and attorney fees to the defendant.

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