

**134.51 ACCESS TO LIBRARY MATERIALS AND RIGHTS PROTECTED.**

Subdivision 1. **Book banning prohibited.** A public library must not ban, remove, or otherwise restrict access to a book or other material based solely on its viewpoint or the messages, ideas, or opinions it conveys.

Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Public library" means:

(1) a library that provides free access to all residents of a city or county, receives at least half of its financial support from public funds, and is organized under the provisions of this chapter, except that a library under this clause does not include libraries such as law, medical, or other libraries organized to serve a special group of persons and not the general public;

(2) a library jointly operated by a city and a school district under section 134.195;

(3) a school district or charter school library or media center under section 124D.991, including libraries operated by an intermediate school district or cooperative unit under section 123A.24, subdivision 2; or

(4) a public higher education institution library.

(c) "Governing body" means a group of persons that oversees the operations, budget, policies, and other administrative responsibilities of a regional public library system under section 134.20, subdivision 2; a multicounty, multitype library system under section 134.351, subdivision 4; a combination library under section 134.195, subdivision 7; a school library under section 124D.991, including libraries operated by an intermediate school district or cooperative unit under section 123A.24, subdivision 2; or any other public library under section 134.001, subdivision 2.

Subd. 3. **Limitations.** (a) Nothing in this section limits a public library's authority to decline to purchase, lend, or shelve or to remove or restrict access to books or other materials legitimately based upon:

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

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

(3) compliance with state or federal law.

(b) Nothing in this section impairs or limits the rights of a parent, guardian, or an adult student under section 120B.20.

Subd. 4. **Collection management.** A governing body of a public library or any other public body with personnel authority for a public library may not discriminate against or discipline an employee for complying with this section.

Subd. 5. **Library materials policy.** (a) A governing body of a public library must adopt a policy that establishes procedures for selection of, challenges to, and reconsideration of library materials in accordance with this section.

(b) The policy must not impair or limit the rights of a parent, guardian, or adult student under section 120B.20.

(c) The policy must establish that the procedures for selection and reconsideration will be administered by:

- (1) a licensed library media specialist under Minnesota Rules, part 8710.4550;
- (2) an individual with a master's degree in library science or library and information science; or
- (3) a professional librarian or a person trained in library collection management.

(d) Upon the completion of a content challenge or reconsideration process in accordance with the governing body's adopted policy, the governing body must submit a report of the challenge to the commissioner of education that includes:

- (1) the title, author, and other relevant identifying information about the material being challenged;
- (2) the date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts;
- (3) the result of the challenge or reconsideration request; and
- (4) accurate and timely information on who from the governing body the Department of Education may contact with questions or follow-up.

**History:** 2024 c 109 art 7 s 2