

HOUSE BILL NO. 4251

March 18, 2025, Introduced by Reps. Glanville, Paiz, Andrews, Rogers, Rheingans, Byrnes, MacDonell, McFall, Longjohn, Morgan, Weiss, Price, Wilson and Young and referred to Committee on Government Operations.

A bill to create standards and processes for the selection of materials for inclusion in or withdrawal from a district library's collection; to provide for the powers and duties of certain state and local governmental officers and entities; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "district library freedom
2 to read act".

3 Sec. 2. As used in this act:

4 (a) "Contracted service area" means a jurisdiction for which a

1 district library receives state aid under the state aid to public
2 libraries act, 1977 PA 89, MCL 397.551 to 397.576, or under 1964 PA
3 59, MCL 397.31 to 397.40, pursuant to a contract.

4 (b) "District library" means a district library established
5 under the district library establishment act, 1989 PA 24, MCL
6 397.171 to 397.196. District library does not include a special
7 library, including, but not limited to, a professional or technical
8 library or school library.

9 (c) "Legal service area" means the district of a district
10 library.

11 (d) "Material" means an individual book, magazine, DVD, CD-
12 ROM, or other audio-visual material that is a tangible item or an
13 electronically available item in the district library's collection.
14 Material includes a district library program. Material does not
15 include any of the following:

16 (i) A website available through the district library's
17 computers or internet connection.

18 (ii) An item available through interlibrary loan.

19 (iii) A program not sponsored or operated by the district
20 library.

21 (iv) A label placed on materials.

22 (v) A district library's display or location of its materials.

23 (vi) An item available through databases or electronic services
24 for which the district library does not have direct control or
25 authority for selection.

26 (e) "Request for reconsideration" means a request to remove
27 material from a district library's collection other than through
28 the withdrawal process.

29 (f) "Selection" means the process by which a district library

determines which items to include within the district library's collection, through purchase, donation, or other means.

(g) "Unusual circumstances" means 1 or more of the following, but only to the extent necessary for the proper processing of a request for reconsideration:

(i) The need to examine or review a voluminous number of separate and distinct requests for reconsideration that were submitted at the same time or within the same 30-day period.

(ii) The need to provide sufficient time for an individual responsible for reviewing or deciding the request for reconsideration to review the material.

(iii) The need to schedule a district library board meeting to address a request for reconsideration.

(h) "Withdrawal" means the routine or periodic removal of materials from a district library's collection for reasons stated in the district library's policy.

Sec. 3. (1) Subject to section 4, and except as otherwise provided by law, the director or, if there is no director, the chief executive employee working at the district library, has the final responsibility for the selection of materials for inclusion or withdrawal in a district library's collection. The director or chief executive employee may designate another individual to act on the director's or chief executive employee's behalf to assist with selection or withdrawal.

(2) By not later than 90 days after the effective date of this act, if a district library does not have a policy in effect that complies with this act, a district library must adopt a policy or amend an existing policy that identifies, at a minimum, all of the following:

1 (a) Standards for selection of material for the district
2 library's collection.

3 (b) Standards for the withdrawal of material from the district
4 library's collection.

5 (c) A process for a request for reconsideration of the
6 inclusion of material in the district library's collection.

7 (d) Conditions that must be met before the district library
8 will review a request for reconsideration, which may include any of
9 the following:

10 (i) The reason for the request for reconsideration of the
11 district library's material. A reason that is not in compliance
12 with this act must not be considered by the district library.

13 (ii) That the individual making the request for reconsideration
14 certifies that the requester has read the entire material before
15 filing the request for reconsideration. If the request for
16 reconsideration involves a program, the request for reconsideration
17 must certify that the requester has attended the program or read
18 the description of the program. If the request for reconsideration
19 involves audio or video material, the request for reconsideration
20 must certify that the requester has listened to or viewed the
21 entire audio or video material.

22 (iii) A request for reconsideration of material may be made only
23 by a resident of the district library's legal service area or
24 contracted service area.

25 (iv) If a request for reconsideration of a material has been
26 determined by the district library, the district library shall not
27 consider a request for reconsideration of that same material within
28 365 days after that determination.

29 (v) Under unusual circumstances, that the district library may

1 extend the period during which the district library must respond to
2 the request for reconsideration.

3 (vi) Any other lawful requirement.

4 (e) A process for determining whether a request for
5 reconsideration complies with section 4(2).

6 Sec. 4. (1) A request for reconsideration may be made to a
7 district library only for material owned or controlled by that
8 district library.

9 (2) A reason or basis for a request for reconsideration cannot
10 be made based on the religion, race, color, national origin, age,
11 sex, sexual orientation, gender identity or expression, height,
12 weight, familial status, or marital status of the author or because
13 the subject matter, content, or viewpoint of the material involves
14 religion, race, color, national origin, age, sex, sexual
15 orientation, gender identity or expression, height, weight,
16 familial status, or marital status.

17 (3) A district library shall not grant a request for
18 reconsideration based on the subject matter, content, or viewpoint
19 of material, unless the material has been adjudicated to be obscene
20 or otherwise unprotected by the First Amendment of the Constitution
21 of the United States or by section 5 of article I of the state
22 constitution of 1963, as determined by a court of competent
23 jurisdiction over the community in which the district library
24 serves.

25 Sec. 5. (1) The attorney general may, on behalf of the Library
26 of Michigan, commence a civil action seeking a mandamus or other
27 action to compel the district library to adopt a policy in
28 compliance with this act.

29 (2) The attorney general, a resident of the district library's

1 legal service area, or a resident of the district library's
2 contracted service area may commence a civil action for any of the
3 following:

4 (a) A temporary or permanent injunction to prevent the
5 district library from unlawful removal of material in violation of
6 this act.

7 (b) A mandamus or other action to compel the district library
8 to return material to the collection that is removed in violation
9 of this act.

10 Enacting section 1. This act does not take effect unless House
11 Bill No. 4250 (request no. H00774'25) of the 103rd Legislature is
12 enacted into law.