

# An Act Regarding Free Expression

 S.2328, H.3594, H.3598, H.3591

An Act protecting against attempts to ban, remove, or restrict library access to materials



## The Bill's Language includes:

The general court finds and declares that:

- (i) attempts to ban, remove or otherwise restrict access to books or other materials in public libraries and school libraries of the commonwealth undermines the public good and restrict academic growth;
- (ii) librarians should be protected from personal attacks and threats directed at them due to work performed in good faith within their role and position;
- (iii) library materials should not be proscribed or removed because of personal, political or doctrinal views, and materials should not be excluded because of the origin, background or views of those contributing to their creation; and
- (iv) access to state-funded shared library resources requires public libraries to be in compliance with the General Laws.

## Overview

**Require local public library boards institute policies that recognize the right to read and support access to library resources free from discrimination and without doctrinal or partisan influence so that all people of the Commonwealth may benefit from libraries.**

As public institutions, public libraries are required by federal law to follow and support anti-discrimination practices in areas like employment, contracting, and access to the building and grounds. Public libraries cannot discriminate in their employment practices as government employers or non-profits operating under contract with the government.

Public accommodation guarantees that all persons should enjoy full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation without discrimination.

# Intellectual Freedom and Attempts to Restrict Access in Massachusetts Public Libraries

The Massachusetts Board of Library Commissioners (MBLC) has been tracking attempts to restrict access to books and more in the Commonwealth’s public libraries.

In \*2023 and 2024 as part of its Annual Report Information Survey (ARIS), the MBLC queried public libraries about attempts to censor and restrict access in public libraries. The MBLC survey included challenges to programs and library services as well as efforts to ban books and materials. The data collected does not include challenges that happened in school libraries.

Historically, there have been less than four challenges a year to materials in Massachusetts public libraries with some years recording zero challenges. In \*FY2024, public libraries in Massachusetts experienced 40 formal challenges; in\*FY2023, there were 22 formal challenges. **The breakdown of formal challenges is as follows:**

TYPE OF CHALLENGE	FY2023	FY2024
Library materials	13	17
Library program	4	20
Library service like exhibits or displays	5	3
<b>TOTAL</b>	<b>22</b>	<b>40</b>

\*Data from the Massachusetts Board of Library Commissioners State Aid ARIS report. A formal challenge is an attempt to remove or restrict materials, based upon the objections of a person or group using the library’s policy.

Sources:

“Challenges to the Freedom to Read, 2013-2022” by the American Library Association Office of Intellectual Freedom.

<https://public.flourish.studio/story/1882667/>



## Library Policies that Support Intellectual Freedom

Libraries have collection development policies that guide how materials are selected and are helpful when they must justify the materials in the collection. **Of the 367 public libraries in Massachusetts, 360 have collection development policies.**

Libraries also have what is known as a reconsideration policy which outlines the formal process for challenging books, programs, and other services. **A total of 345 public libraries in Massachusetts reported having a reconsideration policy.**



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