

# Title 14

## INDEPENDENT AGENCIES

### Subtitle 38 Maryland State Library

#### **14.38.02 Freedom to Read Act**

Authority: Education Article, §§ 4-142, 23-101, 23-102.1, 23-105-106, 23-202-202.1, 23-205, 23-406, 23-503 and 23-506-507, Annotated Code of Maryland

#### **Notice of Proposed Action**

[24-177-P]

The Maryland State Library Agency proposes to adopt new Regulations .01—.04 under a new chapter, **14.38.02 Freedom to Read Act**. This action was considered at an Open Meeting of the Maryland State Library Board held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

#### **Statement of Purpose**

The purpose of this action is to establish as a matter of policy and priority that library materials, services, and resources exist and should be provided for the interest, information, and enlightenment of all persons the library serves;

(1) A library should not exclude material from its catalog because of the origin, background, or views of a person who created the material;

(2) A library should not prohibit or remove material from its catalog because of partisan, ideological, or religious disapproval.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Morgan Lehr Miller, Maryland State Librarian, Maryland State Library Agency, 25 S. Charles Street, Baltimore, MD 21201, or call 667-219-4801, or email to [morgan.miller1@maryland.gov](mailto:morgan.miller1@maryland.gov). Comments will be accepted through December 9, 2024. A public hearing has not been scheduled.

#### **.01 Purpose. The purpose of this chapter is to establish as a matter of policy and priority that:**

A. Library materials, services, and resources exist and should be provided for the interest, information, and enlightenment of all persons the library serves;

B. A library should not exclude material from its catalog because of the origin, background, or views of a person who created the material;

C. A library should not prohibit or remove material from its catalog because of partisan, ideological, or religious disapproval.

#### **02. Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined:

(1) "County" means any county of the State and Baltimore City.

(2) Library.

(a) "Library" includes:

(i) The State Library Resource Center;

(ii) A Regional Resource Center;

(iii) A correctional facility library;

(iv) A county library system and the Enoch Pratt Free Library in Baltimore;

(v) The Maryland State Library for the Blind and Print Disabled;

(vi) The Maryland Deaf Culture Digital Library; and

(vii) A metropolitan cooperative service program.

(b) "Library" does not include a school library media program established by a local school system.

(i) "Objection" means a formal challenge submitted to a library for the purpose of removing, reconsidering, or restricting the presence of materials in a library collection.

(ii) "School library media program" means a library in a school in the public elementary and secondary education system of this State.

#### **03. Library Policies and Procedures.**

*A. Each library shall adopt and follow a written policy for operation of the library that is consistent with the State standards for libraries set forth in Regulation .01 of this chapter.*

*B. Each policy adopted pursuant to §A of this regulation shall include:*

*(1) An acknowledgement that all Marylanders have the freedom to read;*

*(2) An affirmation that it is the responsibility of the library to provide adequate library services to satisfy the diverse needs of their users;*

*(3) A policy and procedures for librarians and library staff to identify materials that meet users' needs;*

*(4) A requirement that librarians and library staff curate and develop collections that provide access to the widest possible array of books and other materials that support learning; and*

*(5) A materials reconsideration policy and procedures.*

*C. A materials reconsideration policy and procedures shall:*

*(1) Establish a uniform process to submit an objection to materials in the library;*

*(2) Require material under review due to an objection to remain available for use by the public and library staff until the review process has concluded; and*

*(3) Establish a reasonable timeline to conduct and conclude the review process in a timely manner.*

*D. A library board of trustees or other governing body of a library may not dismiss, suspend, discipline, demote, reassign, transfer, or otherwise retaliate against an employee for performing their job duties consistent with the library's written policy adopted under §A of this regulation.*

***.04 State Funding.***

*A. The State Library Board shall ensure that each library that receives State funding is operated in a manner consistent with the State standards for libraries set forth in Regulation .01 of this chapter.*

*B. Receipt of State funding by a public library is contingent upon the library board of trustees or other governing body for the library adopting a written policy that is consistent with the State standards for libraries and conducting the operation of the library in a manner consistent with the written policy.*

*C. If the State Library Board certifies that a library has failed to meet the State standards for libraries, the State Library Board shall notify the Comptroller to withhold all State funds from that library.*

*D. The Comptroller shall continue to withhold funds until the State Library Board certifies that the library has adopted a written policy consistent with the State standards for libraries.*

MORGAN MILLER  
Maryland State Librarian