

Minnesota Passes Bill Protecting Access to Library Books

by [Lisa Peet](#)

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A Minnesota bill with a section prohibiting book bans in public libraries, and libraries or media centers in public postsecondary institutions and schools, was signed into law by Gov. Tim Walz on May 17. Senate File 3567, an omnibus education reform bill—which also includes rulings on cell phone use in schools, student performance data, and student journalism, among other items—went into effect immediately.



Minnesota State Capitol
Via [Wikimedia Commons](#)

The anti-book ban section, titled Access to Library Materials and Rights Protected, was

the result of months of conversations among a wide range of stakeholders, including the Minnesota Department of Education, the Minnesota Library Association (MLA), librarians, school board representatives, educators, students, and community members.

SF 3567 explicitly states that “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.” In addition, it requires libraries to have collection policies, and stipulates that school districts must have a licensed library media specialist in charge of developing selection and reconsideration policies and procedures. The bill additionally protects them from discipline or discrimination from administrators or boards.

The legislation offers leeway for libraries to opt not to purchase books for practical reasons, such as shelf space, or because of 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.”

It does not remove a parent or guardian’s right to restrict their own child’s access to specific materials, or to challenge materials. However, it is explicit in its prohibition of removing books based on ideological objections.

REFINING THE LANGUAGE

SF 3567 was chief authored by Sen. Steve Cwudzinski and Rep. Laurie Pryor, members of Minnesota's Democratic-Farmer-Labor (DFL) Party and chairs of the Minnesota Senate and House Education Policy committees, respectively. A separate standalone version of the anti-banning section, House File 4373, was authored by House Rep. Cedric Frazier (DFL–New Hope) and introduced in late February. It was eventually incorporated into SF 3567.

Once both bills were introduced, MLA stepped in to help refine their language to be as beneficial to libraries as possible, holding conversations with Cwudzinski, Pryor, and Frazier, as well as MDE Government Relations representatives.

Among other concerns, MLA didn't want the legislation to be tied to funding, which could potentially create the opportunity for pro-censorship factions to stack governing boards so that libraries could then lose state support, explained MLA Legislative Committee Cochair Sarah Hawkins. "Our goal was to make statements about access to library materials, protecting intellectual freedom, and First Amendment rights, without creating avenues for problematic actors to actually hurt the libraries."

Frazier's original bill established a "Library Bill of Rights," based on the American Library Association document of the same name, because of what he saw happening in libraries around the country. "Seeing a movement focused on suppressing and banning the perspectives from historically marginalized communities, specifically, Black, brown, and LGBTQIA+ authors," he told *LJ*, "I felt an obligation to try to address it here in Minnesota to make sure that movement does not gain traction [here]. The policy creates a uniform process for evaluating challenges to education materials and provides for a uniform and transparent process across the state."

While Minnesota is currently Democrat-majority, ensuring that the bill would have bipartisan support was a priority as well. Republican members of both chambers objected to the potential for "ban on book bans" language to become a political red flag, and MLA agreed. "We wanted to state it as positive legislation," said Hawkins. "So we said, let's call it the right to read or the freedom to read" bill.

"Subdivision one still says book banning prohibited, which it is," she noted. "But we were proud to be able to say we are standing for providing access to library materials—we're not just speaking to this current culture of book bans. We have always been, and will always be, about protecting access to library materials."

The bill's original language also specified that the library's governing board may not ban, remove, or otherwise restrict access to materials. While that sounds good on the surface,

Hawkins pointed out, as written it could give a board the ability to delegate that decision to someone else, such as the library director. “We wanted to make sure it was as broad as possible, that *no one* in the public library—defined to be public school, public library, or public higher ed—can ban, remove, or otherwise restrict access.”

MLA also felt that it was important to mandate a collection development policy, and that it be overseen by a degreed librarian or licensed media specialist—although, said Hawkins, the legislation may need to be updated down the line to get more specific as to whether that could include a person trained in collection management without an MLS.

Including language on protecting parents’ rights to challenge content was critical as well, she added, which, in turn helped get support from the state school board and administrators. “We are really thrilled with how engaged our Department of Education is with willing to have conversations with us,” Hawkins said. “I can’t even tell you how many meetings [there were], how many versions of this, going back and forth. They really wanted to make it something that works for all of us.”

During a floor debate on SF 3567 in April, Republican Sen. Eric Lucero (St. Michael) proposed an amendment that would have given parents a civil cause of action against a school or public library “when it disseminates or otherwise displays to the child obscene material,” and would have removed liability exceptions for schools and other government organizations. These were ruled out by Senate President Bobby Joe Champion (DFL-Minneapolis), and Lucero withdrew his amendment.

The Minnesota Senate passed the omnibus bill on April 2, and the House passed it, with amendments, on April 11.

THE IMPORTANCE OF AN ENGAGED STATE ASSOCIATION

Minnesota may be a largely library-friendly state, with a strong state library service, a robust regional library system, and, in 2023, historic state funding for library construction and renovation—but, said Hawkins, building out legislation like that of SF 3567 could be within range for other states, if approached with the levels of advocacy and involvement MLA engaged in.

She advised any agency advocating for similar legislation to talk to everyone across their state, from libraries that have been embroiled in challenges to those that haven’t, to discuss what the implications of an anti-banning law would mean for them. Conversations with school board officials and elected officials—“not the people who are straight up never going to listen to you, but the people who may have a different opinion and are willing to engage in

conversation”—should also be a crucial part of any state library association’s advocacy agenda, said Hawkins.

“The input from librarians was critical,” said Frazier. “Our librarians take their role in evaluating and providing access to accurate and inclusive education material very seriously. I enjoyed working with professionals that are passionate about their work for our students and community members.”

Illinois, Maryland, and California have also signed anti–book ban bills. Delaware, Kansas, Massachusetts, New Jersey, New Mexico, and Washington have similar bills pending.

Now that SF 3567 has been signed into law, MLA is refining its own policies to align with the statute so that it can better support regional, single-branch libraries across the state. The law’s language isn’t perfect, said Hawkins; compromises were made. But, she added, “don’t let perfect be the enemy of the good—that’s my number one takeaway. If the Minnesota Library Association was writing this ourselves, is this the language we would have wanted to see passed? No, but also, we’re really proud of it, and the collaboration and conversations that came out of it.” Ultimately, she said, “it achieves the philosophical goal of protecting library access.”



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Minnesota legislation

SF 3567

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