

2025 -- S 0238 SUBSTITUTE B

LC001099/SUB B

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO LIBRARIES -- THE FREEDOM TO READ ACT

Introduced By: Senators McKenney, Bissailon, Gallo, Lauria, Gu, Lawson, Britto,
Mack, Euer, and DiMario
Date Introduced: February 13, 2025
Referred To: Senate Education

It is enacted by the General Assembly as follows:

- 1
- SECTION 1. Title 29 of the General Laws entitled "LIBRARIES" is hereby amended by
- 2
- adding thereto the following chapter:
- 3
- CHAPTER 9
- 4
- THE FREEDOM TO READ ACT
- 5
- 29-9-1. Short Title.**
- 6
- This chapter shall be known and may be cited as the "The Freedom to Read Act".
- 7
- 29-9-2. Definitions.**
- 8
- As used in this chapter:
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- (1) "Censor" or "censorship" means to suppress, restrict, remove, or prohibit acquiring,
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- library material on the basis of disagreement with the material's origin, background, views, ideas,
- 11
- concepts or identity of those contributing to its creation including, but not limited to, race, gender,
- 12
- sexuality, religious or political views, but excludes content that is deemed developmentally
- 13
- inappropriate and provided further, excludes content:
- 14
- (i) That the average person, applying contemporary standards, would find that the work,
- 15
- taken as a whole, appeals to the prurient interest;
- 16
- (ii) That the work, taken as a whole, clearly depicts or describes, in a patently offensive
- 17
- way, sexual conduct; and
- 18
- (iii) That the work, taken as a whole, clearly lacks serious literary, artistic, educational,
- 19
- political, or scientific value.

1 (2) "Developmentally inappropriate" means the material is not structured to account for a
2 child's age, and is misaligned with the cognitive, emotional or social development of the intended
3 age group as informed by standards and guidance from the American Library Association (ALA)
4 or any other similar well recognized and established educational or developmental authority.

5 (3) "Government actor" means a member of a government body with voting authority.

6 (4) "Government body" means any government decision-making body or governing body,
7 such as a library board or school board, that exercises authority over the purchasing, selection,
8 curation, and location of library materials at the state or municipal levels, including a library board
9 of trustees as provided for in § 29-4-5 and a school committee as provided for in § 16-2-9.

10 (5) "Individual with a vested interest in the public library" means any resident who is served
11 by the public library and resides in the municipality where the library is situated.

12 (6) "Individual with a vested interest in the school library" means any teaching staff
13 member employed by the school district, any parent or guardian of a student enrolled in the school
14 at the time the removal form is filed, and any student enrolled in the school at the time the removal
15 form is filed.

16 (7) "Library material" means any material including, but not limited to, books, videos,
17 subscription or locally curated databases, audio materials, government documents, interactive
18 applications and software, and all other similar materials, whether tangible or in electronic form
19 belonging to, on loan to, or otherwise in the custody of the public library or other material not
20 required as part of classroom instruction.

21 (8) "Librarian" means a professionally trained employee who is responsible for the
22 purchase, selection, curation, removal, and display of library materials.

23 (9) "Public library" means a library in a city or town that has been designated by the city
24 or town council or town financial meeting as a library to provide library services to all individuals
25 residing in the city or town.

26 (10) "Reconsideration" means a request to reclassify, move to a different section of the
27 library, or remove an item in the library's collection.

28 **29-9-3. Public library collection policy.**

29 (a) In addition to the duties prescribed in § 29-3.1-7, the chief of library services shall
30 establish a model policy on the curation of library material within a public library, that shall be
31 approved and adopted by the library board of trustees.

32 (b) The model policy shall, at a minimum:

33 (1) Recognize that public libraries serve as centers for voluntary inquiry and the
34 dissemination of information and ideas;

1 (2) Provide protection against censorship of library material;

2 (3) Provide standards for the selection and curation of library material by the librarian,
3 while also recognizing that library material should be provided for the interest, information, and
4 enlightenment of all people, and should present a wide range of points of view; and

5 (4) Establish criteria and a procedure based on professional standards for a librarian to
6 review and the deaccession of library material within a public library on an ongoing basis, which
7 shall include, but not be limited to, the library material's relevance, the condition of the library
8 material, the availability of duplicates, the availability of more recent material, and the continued
9 demand for the library material.

10 (c) The model policy shall be updated as the chief of library services deems necessary.

11 (d) In the event a public library has a policy that complies with the requirements of
12 subsection (b) of this section, the library shall not be required to take further action.

13 (e) Nothing in this section shall be construed to require a librarian to purchase, or otherwise
14 acquire a particular library material for the library.

15 (f) In addition to the duties prescribed in § 29-3.1-7, the chief of library services shall
16 establish a model policy creating a procedure regarding a request for reconsideration of library
17 material in a public library, that shall be approved and adopted by the library board of trustees.

18 (g) The model policy shall, at a minimum require:

19 (1) The creation of a request for reconsideration form, based on a model form established
20 by the chief of library services, that shall be submitted by an individual with a vested interest in the
21 public library in order to initiate the review of specific library material;

22 (2) That an individual with a vested interest in the public library requesting that library
23 material be reconsidered shall review the material as a whole, identify sections of the material that
24 the individual objects to, and provide an explanation for such objections. Selective passages from
25 the material taken out of context shall not be considered under this review.

26 (3) That library material that is the subject of a request for reconsideration shall not be
27 removed from its location within the library and shall remain available to reserve, check out, or
28 access while the material is being reviewed;

29 (4) That the government body shall appoint a review committee, consisting of:

30 (i) At least one member of the government body;

31 (ii) The director of the public library;

32 (iii) A subject specialist librarian employed by the public library; and

33 (iv) Any additional library staff that the government body deems necessary;

34 (5) That the review committee pursuant to subsection (g)(4) of this section evaluate the

1 request for removal form, review the challenged library material, and report in writing its decision
2 to the individual and to the government body on whether to remove library material within thirty
3 (30) business days from the date of receiving the form; and

4 (6) That the individual who filed the form for reconsideration may, within thirty (30) days
5 of the decision, appeal the review committee's decision to the government body which shall review
6 the committee's decision and make a final determination on whether the library material is to be
7 removed from the public library, limited in use or remain in place. A substantive rationale for
8 restricting or removing library material shall be memorialized by the governing body in writing
9 and made publicly available.

10 In issuing its final decision, a governing body shall provide a written statement of reasons
11 for:

12 (i) The removal, limitation, or non-removal of a library material; and

13 (ii) Any final determination that is contrary to the recommendations of the review
14 committee;

15 (7) That any library material that has been challenged pursuant to subsections (g)(1)
16 through (g)(6) of this section shall not be subject to a subsequent challenge for at least one year;

17 (8) That the review committee when conducting a review pursuant to this section, and a
18 governing body deciding an appeal of a decision of the review committee shall consider the
19 following standards for review:

20 (i) Recognize that library material should be provided for the interest, information, and
21 enlightenment of all people and should present diverse points of view in the collection as a whole;

22 (ii) Acknowledge that library material shall not be removed from a library because of the
23 origin, background, or views of the library material or those contributing to its creation;

24 (iii) Recognize the importance of libraries as centers for voluntary inquiry and the
25 dissemination of information and ideas; and

26 (iv) Promote the free expression and free access to ideas by prohibiting the censorship of
27 library material.

28 (h) In the event a public library has a policy that complies with the requirements of
29 subsection (g) of this section, the library shall not be required to take further action.

30 (i) Any staff member of a public library, including a librarian employed by a public library,
31 shall be immune from civil and criminal liability arising from good faith actions performed
32 pursuant to this chapter.

33 (j) A government body shall not reduce funding for a public library due to the library's
34 compliance with the provisions of this section.

1 **29-9-4. School library collection policy.**

2 (a) Pursuant to the duties prescribed in § 16-1-5(7), the commissioner of elementary and
3 secondary education, in collaboration with the chief of library services, shall establish a model
4 policy on the curation of library material within a school library. Each school committee shall
5 review the model policy established pursuant to this section and approve and adopt a policy that
6 shall at a minimum:

7 (1) Recognize that school libraries serve as centers for voluntary inquiry and the
8 dissemination of information and ideas;

9 (2) Provide protection against censorship of library material;

10 (3) Provide standards for the selection and curation of library material while also
11 recognizing that the library material should be provided for the interest, information, and
12 enlightenment of all students and should present a wide range of points of view;

13 (4) Establish criteria and a procedure based on professional standards for a librarian to
14 review and the deaccession of library material within a school library on a regular basis, which
15 shall include, but not be limited to, the library material's relevance; the condition of the library
16 material; the availability of duplicates; and the continued demand for the library material;

17 (5) Acknowledge that a certified school librarian is professionally trained to curate and
18 develop the school library collection that provides students with access to the widest array of
19 developmentally relevant library material.

20 (b) The model policy shall be updated as the commissioner of elementary and secondary
21 education and chief of library services deem necessary.

22 (c) In the event a school district has a policy that complies with the requirements of
23 subsection (a) of this section, the school committee shall not be required to take further action.

24 (d) Librarians employed at a school library shall have discretion in selecting, purchasing,
25 or acquiring library material for inclusion in the school library, following the policy approved by
26 the school committee. Nothing in this section shall be construed to require a librarian to purchase,
27 or otherwise acquire a particular library material for a school library.

28 (e) Nothing in this section shall be construed to restrict a school committee's authority to
29 select textbooks and school supplies related to the curriculum.

30 (f) Pursuant to the duties prescribed in § 16-1-5(7), the commissioner of elementary and
31 secondary education shall establish, in collaboration with the chief of library services, a model
32 policy creating a procedure regarding a request for reconsideration of library material within a
33 school library. The school committee shall review the model policy established pursuant to this
34 section and approve and adopt a policy that shall, at a minimum require:

1 (1) The creation of a request for reconsideration form, based on a model form developed
2 by the commissioner of elementary and secondary education and chief of library services, that is
3 submitted by an individual with a vested interest to the principal of the school in which the library
4 material is challenged. The principal is required to send the form promptly to the superintendent to
5 initiate a review of the material;

6 (2) An individual with a vested interest in the school library requesting that library material
7 be reconsidered shall review the material as a whole, identify sections of the material that the
8 individual objects, to and provide an explanation for such objections. Selective passages from the
9 material taken out of context shall not be considered for this review;

10 (3) Library material that is the subject of a request for reconsideration shall not be removed
11 from its location within the library and shall remain available to reserve, check out, or access while
12 the material is being reviewed;

13 (4) The superintendent or the superintendent's designee shall appoint a review committee;
14 consisting of:

15 (i) The superintendent or the superintendent's designee;

16 (ii) The principal of the school in which the form is submitted or the principal's designee;

17 (iii) A certified librarian employed at the school in which the form is submitted;

18 (iv) A representative of the school committee; and

19 (v) A grade-appropriate teacher provided the teacher selected is not the individual who
20 submitted the form;

21 (5) The review committee must evaluate the reconsideration request, review the material
22 and within thirty (30) days of receiving the reconsideration form report in writing to the individual
23 and the school committee its decision whether to remove the library material, limit the library
24 material, or leave the library material in place;

25 (6) That the individual who filed the form for reconsideration may, within thirty (30) days
26 of the decision, appeal the review committee's decision to the school committee which shall review
27 the committee's report and issue a final recommendation along with a written statement of reasons
28 for:

29 (i) The removal, limitation, or non-removal of a library material;

30 (ii) Any final determination that is contrary to the recommendations of the review
31 committee; and

32 (iii) The written statement of reasons shall be posted on the school committees Internet
33 website in a prominent and easily accessible location within thirty (30) days of the determination.

34 (7) The review committee, when conducting a review pursuant to this section and a school

committee deciding an appeal of the review committee, shall consider the following standards for review:

(i) Recognize that library material should be provided for the interest, information, and enlightenment of all students and should present diverse points of view in the collection as a whole;

(ii) Acknowledge that library material shall not be removed from a school library because of the origin, background, or views of the library material or those contributing to its creation;

(iii) Recognize the importance of school libraries as centers for voluntary inquiry and the dissemination of information and ideas;

(iv) Promote the free expression and free access to ideas by students by prohibiting the censorship of library material; and

(v) Acknowledge that a school library media specialist is professionally trained to curate and develop the school library collection that provides students with access to the widest array of developmentally appropriate library material available to schools;

(g) In the event a school committee has a policy that complies with the requirements of subsection (a) of this section, the school committee shall not be required to take further action.

(h) Any staff member of a school library, including a librarian employed by a school, shall be immune from civil and criminal liability arising from good faith actions performed pursuant to this chapter.

29-9-5. Declaratory and injunctive relief.

(a) A librarian who has been subjected to discipline, termination, or threats of discipline or termination for refusing to censor library materials in violation of policies established pursuant to this chapter may seek relief against a government body in any court of competent jurisdiction for declaratory and injunctive relief including, but not limited to, reinstatement, back pay, restoration of benefits, and such other equitable relief as may be appropriate and necessary to make the employee whole.

(b) An individual with a vested interest in a school or public library may seek relief in any court of competent jurisdiction for declaratory and injunctive relief against a government body that enforces censorship of library materials in violation of policies established pursuant to this chapter.

(1) A student, or the student's parent(s) or guardian(s), may only challenge censorship of library materials relating to a school that the student attends.

(c) An author whose library materials have been subjected to censorship may bring an action in any court of competent jurisdiction for declaratory and injunctive relief against any government body that enforces censorship of library materials in violation of policies established pursuant to this chapter.

1 (d) Any school or library employee acting pursuant to direct orders from a municipal, state,
2 or federal government authority shall not be liable for censorship.

3 (e) Any action or proceeding to enforce this section shall be commenced no later than one
4 year after the date on which the violation of this section is committed.

5 SECTION 2. Sections 11-31-1 and 11-31-10 of the General Laws in Chapter 11-31 entitled
6 "Obscene and Objectionable Publications and Shows" are hereby amended to read as follows:

7 **11-31-1. Circulation of obscene publications and shows.**

8 (a) Every person who willfully or knowingly promotes for the purpose of commercial gain
9 within the community any show, motion picture, performance, photograph, book, magazine, or
10 other material which is obscene shall, upon conviction, be punished by a fine of not less than one
11 hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment for not
12 more than two (2) years, or both.

13 (b) For the purpose of this section:

14 (1) In determining whether or not a show, motion picture, performance, photograph, book,
15 magazine, or other material is obscene the trier of the fact must find:

16 (i) That the average person, applying contemporary community standards, would find that
17 the work, taken as a whole, appeals to the prurient interest;

18 (ii) That the work taken as a whole, clearly depicts or describes, in a patently offensive
19 way, sexual conduct specifically defined by this chapter; and

20 (iii) That the work, taken as a whole, clearly lacks serious literary, artistic, educational,
21 political, or scientific value.

22 (2) "Community standards" means the geographical area of the state of Rhode Island.

23 (3) "Knowingly" means having knowledge of the character and content of the material or
24 failure on notice to exercise reasonable inspection which would disclose the content and character
25 of it.

26 (4) "Material" means anything tangible which is capable of being used or adapted to arouse
27 prurient interest through the medium of reading, or observation.

28 (5) "Patently offensive" means so offensive on its face as to affront current standards of
29 decency.

30 (6) "Performance" means any play, motion picture, dance, or other exhibition performed
31 before an audience.

32 (7) "Promote" means to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer,
33 transmit, publish, distribute, circulate, disseminate, present, exhibit, or advertise or to offer or agree
34 to do it for resale.

1 (8) "Sexual conduct" means:

2 (i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-
3 genital, anal-genital, or oral-genital intercourse, whether between human beings or between a
4 human being and an animal.

5 (ii) Sado-masochistic abuse, meaning flagellation or torture by or upon a person in an act
6 of apparent sexual stimulation or gratification.

7 (iii) Masturbation, excretory functions, and lewd exhibitions of the genitals.

8 (9) "Standards of decency" means community standards of decency.

9 (c) If any of the depictions and descriptions of sexual conduct described in this section are
10 declared by a court of competent jurisdiction to be unlawfully included because the depictions or
11 descriptions are constitutionally protected or for any other reason, that declaration shall not
12 invalidate this chapter as to other sexual conduct included in this chapter.

13 **11-31-10. Sale or exhibition to minors of indecent publications, pictures, or articles.**

14 (a) Every person who shall willfully or knowingly engage in the business of selling,
15 lending, giving away, showing, advertising for sale, or distributing to any person under the age of
16 eighteen (18) years, has in his or her possession with intent to engage in that business or to
17 otherwise offer for sale or commercial distribution to any person under the age of eighteen (18)
18 years, or who shall display at newsstands or any other business establishment frequented by persons
19 under the age of eighteen (18) years or where persons under the age of eighteen (18) years are or
20 may be invited as a part of the general public, any motion picture, any still picture, photograph, or
21 any book, pocket book, pamphlet, or magazine of which the cover or content consists of explicit
22 representations of "sexual conduct", "sexual excitement", "nudity" and which is indecent for minors
23 or which is predominantly made up of descriptions of "sexual conduct", "sexual excitement",
24 "nudity" and which is indecent, shall, upon conviction, be punished by a fine of not less than one
25 hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment for not
26 more than two (2) years, or both.

27 (b) As used in this section, the following words have the following meaning:

28 (1) "Indecent for minors" means:

29 (i) Appealing to the prurient interest in sex of minors;

30 (ii) ~~Patently~~ Taken as a whole is patently offensive to prevailing standards in the adult
31 community with respect to what is suitable material for minors; and

32 (iii) ~~Lacking~~ Clearly lacking serious literary, artistic, educational, political, or scientific
33 value for minors;

34 (2) "Knowingly" means having knowledge of the character and content of the publication

1 or failure on notice to exercise reasonable inspection which would disclose its content and
2 character;

3 (3) "Nudity" means less than completely and opaquely covered; human genitals, pubic
4 regions, buttock, and female breast below a point immediately above the top of the areola;

5 (4) "Sexual conduct" means act of human masturbation, sexual intercourse, sodomy,
6 fondling, or other erotic touching of human genitals, pubic region, buttock, or female breasts; and

7 (5) "Sexual excitement" means human genitals in a state of sexual stimulation or arousal.

8 SECTION 3. Chapter 11-31 of the General Laws entitled "Obscene and Objectionable
9 Publications and Shows" is hereby amended by adding thereto the following section:

10 **11-31-16. Affirmative defense.**

11 (a) In any prosecution arising under §§ 11-31-1 or 11-31-10, it shall be an affirmative
12 defense that the defendant was a bona fide school, or public library, or was a person acting in
13 accordance with library collection policies pursuant to chapter 9 of title 29 and in the course of
14 employment as an employee or official of such an organization.

15 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO LIBRARIES -- THE FREEDOM TO READ ACT

- 1 This act would promote the free expression and free access of information by prohibiting
2 the censorship of library materials. This act would require the creation of a model policy relative
3 to library material within a public library and school library.
4 This act would take effect upon passage.

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