

1 S.220

2 An act relating to Vermont's public libraries

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 * * * Library Policies; Selection and Retention of Library Materials * * *

5 Sec. 1. 22 V.S.A. § 67 is amended to read:

6 § 67. PUBLIC LIBRARIES; STATEMENT OF POLICY; USE OF
7 FACILITIES AND RESOURCES

8 * * *

9 (c) To ensure that Vermont libraries protect and promote the principles of
10 free speech, inquiry, discovery, and public accommodation, it is necessary that
11 the trustees, managers, or directors of free public libraries adopt policies that
12 comply with the First Amendment to the U.S. Constitution and State and
13 federal civil rights and antidiscrimination laws.

14 Sec. 2. 22 V.S.A. § 69 is added to read:

15 § 69. PUBLIC LIBRARIES; SELECTION AND RECONSIDERATION OF
16 LIBRARY MATERIALS

17 A public library shall adopt a library material selection policy and
18 procedures for the reconsideration and retention of library materials that
19 complies with the First Amendment to the U.S. Constitution, the Civil Rights
20 Act of 1964, State laws prohibiting discrimination in places of public
21 accommodation, and that reflect Vermont's diverse people and history,
22 including diversity of race, ethnicity, sex, gender identity, sexual orientation,

1 disability status, religion, and political beliefs. A public library may adopt as
2 its policy a model policy adopted by the Department of Libraries pursuant to
3 section 606 of this title.

4 * * * Confidentiality of Library Records; Minors * * *

5 Sec. 3. 22 V.S.A. § 172 is amended to read:

6 § 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

7 * * *

8 (b) Unless authorized by other provisions of law, the library's officers,
9 employees, and volunteers shall not disclose the records except:

10 * * *

11 (4) to custodial parents or guardians of patrons under ~~age 16~~ 12 years of
12 age; or

13 * * *

14 * * * Public Safety * * *

15 Sec. 4. 13 V.S.A. § 1702 is amended to read:

16 § 1702. CRIMINAL THREATENING

17 * * *

18 (d) A person who violates subsection (a) of this section by making a threat
19 that places any person in reasonable apprehension that death, serious bodily
20 injury, or sexual assault will occur at a public or ~~private~~ independent school;
21 postsecondary education institution; public library; place of worship; polling

1 place during election activities; the Vermont State House; or any federal, State,
2 or municipal building shall be imprisoned not more than two years or fined not
3 more than \$2,000.00, or both.

4 * * *

5 (h) As used in this section:

6 * * *

7 (12) “Public library” means a public library as defined in 22 V.S.A.
8 § 101.

9 * * *

10 * * * Library Governance * * *

11 Sec. 5. 22 V.S.A. § 105 is amended to read:

12 § 105. GENERAL POWERS

13 (a) The trustees, managers, or directors shall:

14 (1) elect the officers of the corporation from their number and have the
15 control and management of the affairs, finances, and property of the
16 corporation;

17 (2) adopt bylaws and policies governing the operation of the library;

18 (3) establish a library budget;

19 (4) hold regular meetings; and

20 (5) ensure compliance with the terms of any funding, grants, or
21 bequests.

1 **(b) The Trustees, managers, or directors may:**

2 **(1) accept donations and, in their discretion, hold the donations in the**
3 **form in which they are given for the purposes of science, literature, and art**
4 **germane to the objects and purposes of the corporation. ~~They may;~~ and**

5 **(2) in their discretion, receive by loan books, manuscripts, works of art,**
6 **and other library materials and hold or circulate them under the conditions**
7 **specified by the owners.**

8 Sec. 6. 22 V.S.A. § 143 is amended to read:

9 § 143. TRUSTEES

10 (a) Unless a municipality ~~which~~ that has established or shall establish a
11 public library votes at its annual meeting to elect a board of trustees, the
12 governing body of the municipality shall appoint the trustees. The
13 appointment or election of the trustees shall continue in effect until changed at
14 an annual meeting of the municipality. When trustees are first chosen, they
15 shall be elected or appointed for staggered terms.

16 (b) The board shall consist of not ~~less~~ fewer than five trustees who shall
17 have full power to:

18 **(1) manage the public library, ~~make~~ and any property that shall come**
19 **into the hands of the municipality by gift, purchase, devise, or bequest for the**
20 **use and benefit of the library;**

21 **(2) adopt bylaws, and policies governing the operation of the library;**

1 (3) elect officers, ~~establish a library policy and receive, control and~~
2 ~~manage property which shall come into the hands of the municipality by gift,~~
3 ~~purchase, devise or bequest for the use and benefit of the library;~~

4 (4) establish a library budget for consideration by the legislative body of
5 the municipality for inclusion in the municipality’s budget;

6 (5) hold regular meetings; and

7 (6) ensure compliance with the terms of any funding, grants, or
8 bequests.

9 (c) The board may appoint a director for the efficient administration and
10 conduct of the library. A library director shall be under the supervision and
11 control of the library board of trustees, unless the employee relationship is
12 otherwise specified in the municipality’s charter or by written agreement
13 between the legislative body of the municipality and the trustees.

14 ~~(b) When trustees are first chosen, they shall be elected or appointed for~~
15 ~~staggered terms.~~

16 * * * Department of Libraries * * *

17 Sec. 7. 22 V.S.A. § 606 is amended to read:

18 § 606. OTHER DUTIES AND FUNCTIONS

19 The Department, in addition to the functions specified in section 605 of this
20 title:

21 * * *

1 (5) May Shall provide a continuing education program for a Certificate
2 in Public Librarianship. The Department shall conduct seminars, workshops,
3 and other programs to increase the professional competence of librarians in the
4 State.

5 * * *

6 (8) ~~Shall be the primary access point for State information, and provide~~
7 advice on State information technology policy.

8 (9) May develop and adopt model policies for free public libraries
9 concerning displays, meeting room use, patron behavior, internet use, library
10 materials selection, and other relevant topics, as well as procedures for the
11 reconsideration and retention of library materials, to ensure compliance with
12 the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964,
13 and Vermont laws prohibiting discrimination in places of public
14 accommodation.

15 (10) Shall adopt a material selection policy and procedures for
16 reconsideration and retention that reflect Vermont's diverse people and history,
17 including diversity of race, ethnicity, sex, gender identity, sexual orientation,
18 disability status, religion, and political beliefs.

19 (11) May develop best practices and guidelines for public libraries and
20 library service levels.

1 * * * School Library Material Selection * * *

2 Sec. 7a. 16 V.S.A. § 1624 is added to read:

3 § 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

4 (a) Each school board and each approved independent school shall develop,
5 adopt, ensure the enforcement of, and make available in the manner described
6 under subdivision 563(1) of this title a library material selection policy and
7 procedures for the reconsideration and retention of materials. The policy and
8 procedures shall affirm the importance of intellectual freedom and be guided
9 by the First Amendment to the U.S. Constitution, the Civil Rights Act of 1964,
10 Vermont laws prohibiting discrimination in places of public accommodation,
11 the American Library Association’s Freedom to Read Statement, Vermont’s
12 Freedom to Read Statement, and reflect Vermont’s diverse people and history,
13 including diversity of race, ethnicity, sex, gender identity, sexual orientation,
14 disability status, religion, and political beliefs.

15 (b) In order to ensure a student’s First Amendment rights are protected and
16 all students’ identities are affirmed and dignity respected, the policy and
17 procedures required under subsection (a) of this section shall prohibit the
18 removal of school library materials for the following reasons:

19 (1) partisan approval or disapproval;

20 (2) the author’s race, nationality, gender identity, sexual orientation,
21 political views, or religious views;

1 (3) school board members’ or members of the public’s discomfort,
2 personal morality, political views, or religious views;

3 (4) the author’s point of view concerning the problems and issues of our
4 time, whether international, national, or local;

5 (5) the race, nationality, gender identity, sexual orientation, political
6 views, or religious views of the protagonist or other characters; or

7 (6) content related to sexual health that addresses physical, mental,
8 emotional, or social dimensions of human sexuality, including puberty, sex,
9 and relationships.

10 (c) The policy and procedures required under subsection (a) of this section
11 shall ensure that school library staff are responsible for curating and
12 developing collections that provide students with access to a wide array of
13 materials that are relevant to students’ research, independent reading interests,
14 and educational needs, as well as ensuring such materials are tailored to the
15 cognitive and emotional levels of the children served by the school.

16 * * * Effective Dates * * *

17 Sec. 8. EFFECTIVE DATES

18 (a) Secs. 2 (22 V.S.A. § 69; public libraries; selection and reconsideration
19 of library materials) and 7a (16 V.S.A. § 1624; school library material
20 selection policy) shall take effect on July 1, 2025.

- 1 (b) Sec. 7 (22 V.S.A. § 606; Dept. of Libraries; other duties and functions)
2 shall take effect on January 1, 2025.
- 3 (c) This section and all other sections of this act shall take effect on July 1,
4 2024.