

1 S.220

2 An act relating to Vermont's public libraries

3 The House proposes to the Senate to amend the bill by striking out all after  
4 the enacting clause and inserting in lieu thereof the following:

5 \* \* \* Library Policies; Selection and Retention of Library Materials \* \* \*

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

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

9 \* \* \*

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

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

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

18 A public library shall adopt a library material selection policy and  
19 procedures for the reconsideration and retention of library materials that  
20 complies with the First Amendment to the U.S. Constitution, the Civil Rights  
21 Act of 1964, State laws prohibiting discrimination in places of public

1 accommodation, and that reflect Vermont's diverse people and history,  
2 including diversity of race, ethnicity, sex, gender identity, sexual orientation,  
3 disability status, religion, and political beliefs. A public library may adopt as  
4 its policy a model policy adopted by the Department of Libraries pursuant to  
5 section 606 of this title.

6 \* \* \* Confidentiality of Library Records; Minors \* \* \*

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

8 § 172. LIBRARY RECORD CONFIDENTIALITY; EXEMPTIONS

9 \* \* \*

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

12 \* \* \*

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

15 \* \* \*

16 \* \* \* Public Safety \* \* \*

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

18 § 1702. CRIMINAL THREATENING

19 \* \* \*

20 (d) A person who violates subsection (a) of this section by making a threat  
21 that places any person in reasonable apprehension that death, serious bodily

1 injury, or sexual assault will occur at a public or ~~private~~ independent school;  
2 postsecondary education institution; public library; place of worship; polling  
3 place during election activities; the Vermont State House; or any federal, State,  
4 or municipal building shall be imprisoned not more than two years or fined not  
5 more than \$2,000.00, or both.

6 \* \* \*

7 (h) As used in this section:

8 \* \* \*

9 (12) “Public library” means a public library as defined in 22 V.S.A.  
10 § 101.

11 \* \* \*

12 \* \* \* Library Governance \* \* \*

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

14 § 105. GENERAL POWERS

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

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

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

20 (3) establish a library budget;

21 (4) hold regular meetings; and

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

3           (b) The Trustees, managers, or directors may:

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

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

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

11       § 143. TRUSTEES

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

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

- 1           (1) manage the public library, ~~make~~ and any property that shall come  
2 into the hands of the municipality by gift, purchase, devise, or bequest for the  
3 use and benefit of the library;
- 4           (2) adopt bylaws, and policies governing the operation of the library;
- 5           (3) elect officers, ~~establish a library policy and receive, control and~~  
6 manage property which shall come into the hands of the municipality by gift,  
7 purchase, devise or bequest for the use and benefit of the library;
- 8           (4) establish a library budget for consideration by the legislative body of  
9 the municipality for inclusion in the municipality's budget;
- 10           (5) hold regular meetings; and
- 11           (6) ensure compliance with the terms of any funding, grants, or  
12 bequests.
- 13           (c) The board may appoint a director for the efficient administration and  
14 conduct of the library. A library director shall be under the supervision and  
15 control of the library board of trustees, unless the employee relationship is  
16 otherwise specified in the municipality's charter or by written agreement  
17 between the legislative body of the municipality and the trustees.
- 18           ~~(b) When trustees are first chosen, they shall be elected or appointed for~~  
19 ~~staggered terms.~~

1   \* \* \* Department of Libraries \* \* \*

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

3     § 606. OTHER DUTIES AND FUNCTIONS

4         The Department, in addition to the functions specified in section 605 of this  
5     title:

6   \* \* \*

7             (5) ~~May~~ shall provide a continuing education program for a Certificate  
8     in Public Librarianship. The Department shall conduct seminars, workshops,  
9     and other programs to increase the professional competence of librarians in the  
10    State.

11   \* \* \*

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

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

1           (10) Shall adopt a material selection policy and procedures for  
2 reconsideration and retention that reflect Vermont’s diverse people and history,  
3 including diversity of race, ethnicity, sex, gender identity, sexual orientation,  
4 disability status, religion, and political beliefs.

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

7                           \* \* \* School Library Material Selection \* \* \*

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

9           § 1624. SCHOOL LIBRARY MATERIAL SELECTION POLICY

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

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

5               (1) partisan approval or disapproval;

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

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

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

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

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

17       (c) The policy and procedures required under subsection (a) of this section  
18       shall ensure that school library staff are responsible for curating and  
19       developing collections that provide students with access to a wide array of  
20       materials that are relevant to students’ research, independent reading interests,



1 and educational needs, as well as ensuring such materials are tailored to the  
2 cognitive and emotional levels of the children served by the school.

3 \* \* \* Effective Dates \* \* \*

4 Sec. 8. EFFECTIVE DATES

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

8 (b) Sec. 7 (22 V.S.A. § 606; Dept. of Libraries; other duties and functions)  
9 shall take effect on January 1, 2025.

10 (c) This section and all other sections of this act shall take effect on July 1,  
11 2024.