



BILL: Senate Bill 738 **DATE:** February 23, 2024
SUBJECT: Freedom to Read Act **COMMITTEE:** Education, Energy and
the Environment
SPEAKER: Irene Padilla, State Librarian **POSITION:** Favorable

EXPLANATION

The Freedom to Read Act is critical to the future of Maryland’s libraries, communities and intellectual freedom.

The intent of the bill is for any public library, school library, resource center, or other library arrangement developed by the Maryland State Library Agency (MSLA) that receives funding from the State to adopt and follow a written policy consistent with state standards for libraries.

The bill establishes these state standards, along with principles for curating a responsible library collection. It also protects library collections from deliberate theft, protects libraries and library staff from being penalized for doing their work within the policies and procedures outlined by their organization, and codifies Maryland’s values of access for all people.

The Freedom to Read Act is necessary to protect Maryland’s public libraries from a growing number of book ban and censorship attempts.

In January 2024, MSLA conducted a statewide survey of Maryland’s public library systems to learn more about the prevalence of challenges to library collections over the past five years. Nineteen of the state’s 24 public library systems responded. While Maryland’s public libraries haven’t experienced as many censorship attempts as some other states, we are seeing a significant upward trend.

Survey respondents reported just six formal challenges to their collections in 2019. A formal challenge is an official process that includes a thorough review of the material being challenged and, ultimately, a decision on whether it will remain in the collection. By 2022, the number of formal challenges had increased to 20, a 233-percent increase. In 2023, 14 formal challenges were reported, a 133-percent increase over 2019.

Libraries also reported a significant increase in informal challenges. Informal challenges include phone calls, emails and in-person complaints. In 2019, respondents reported eight informal challenges across the state. In 2023, respondents reported 31 informal challenges, a 263-percent increase.

Materials on topics related to LGBTQIA+ and gender identity were challenged most frequently, along with materials on race/critical race theory.

The number of people submitting challenges is growing. Thirty-eight individuals challenged public library materials in Maryland in 2023, up from 11 individuals in 2019. That represents a 245-percent increase.

Maryland's public school libraries have been hit especially hard by these censorship attempts. In a September 2023 survey conducted by the Maryland Association of School Librarians (MASL), 68 percent of respondents reported book challenges in their school districts over a two-year period beginning in the fall of 2021.

Some librarians have started self-censoring when selecting materials for library collections. The MASL survey found that 53 percent of public school librarians reported not purchasing books that they were afraid would be "controversial." Fifty-seven percent reported that book challenges have made their job more difficult and 42 percent said book challenges have had a negative impact on their personal lives and/or interactions in their communities.

With House Bill 785, it is the goal of the State that each library is operated in a manner that recognizes the following standards:

- (1) Library materials, services, and resources exist and should be provided for the interest, information, and enlightenment of all persons the library serves;
- (2) a library should not exclude material from its catalog because of the origin, background, or views of a person who created the material;
- (3) a library should not prohibit or remove material from its catalog because of partisan or doctrinal disapproval; and
- (4) outlines actions in response to those who knowingly damage, steal, destroy or withhold the property of a library.

The bill prohibits county boards of education and the governing bodies of libraries from retaliating against employees for acting in a manner consistent with the state standards for libraries. An employee may not be dismissed, suspended, disciplined, demoted, reassigned, transferred, or otherwise retaliated against for acting in a manner consistent with the adopted written policy.

The state library board shall develop policies for the operation of libraries that align with the state standards for libraries and ensure that each library that receives state funds is operated in a manner consistent with these standards. Receipt of funding under this bill is contingent on a public library, resource center, or cooperative service program adopting a written policy that is consistent with the state standards for libraries. The state librarian shall authorize the state comptroller to withhold state funds from a library, resource center, or cooperative service program that does not adopt a written policy that is consistent with the state standards for libraries.

The bill will require MSLA to maintain accurate records regarding any policies or procedures developed by public libraries to be in compliance with state law. This will create a minimal impact on Agency work, as protocols are in place to track other compliance documents.

MSLA fully supports the passage of this bill.