<BillNo> <Sponsor>

SENATE BILL 701

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 10 and Title 49, relative to libraries.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 3, is amended by adding the following as a new part:

10-3-201. Short title.

This part is known and may be cited as the "Freedom to Read Act."

10-3-202. Part definitions.

As used in this part:

(1) "Governing body" means a group of persons that oversee the operations, budget, policies, and other administrative responsibilities of a public library;

(2) "Materials" means books, periodicals, newspapers, manuscripts, films, prints, documents, microfilm, discs, cassettes, videotapes, videogames, applications, and subscription content in any form; and

(3) "Public library":

(A) Means:

(A) A library that provides free access to all residents of a city or county, and is organized under the provisions of this chapter;

(B) A school library operated by a local board of education or public charter school governing body; and

(C) A library operated by a public institution of higher education; and

(B) Does not include libraries such as law, medical, or other libraries organized to serve a special group of persons and not the general public.

10-3-203. Book banning prohibited.

(a) A public library shall 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, except as provided in subsection (b).

(b) A public library may decline to purchase, lend, or shelve, or to remove or restrict access to, books or other materials legitimately based upon:

(1) Practical reasons, including, but not limited to, shelf space limitations, rare or antiquarian status, damage, or obsolescence;

(2) Legitimate 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; or

(3) Compliance with state or federal law.

10-3-204. Prohibition of discrimination for enforcement of this part.

A governing body of a public library or any other public body with personnel authority for a public library shall not discriminate against or discipline an employee for complying with this part.

10-3-205. Library materials policy.

(a) A governing body of a public library shall adopt a policy that establishes procedures for selection of, challenges to, and reconsideration of library materials in accordance with this part.

(b) The policy must establish that the procedures for selection and reconsideration will be administered by:

(1) A librarian certified under title 10, chapter 2;

(2) The state library coordinator as described under § 49-1-217;

(3) An individual with a master's degree in library science or library and information science; or

(4) A professional librarian or a person trained in library collection management.

(c) Upon the completion of a content challenge or reconsideration process in accordance with the governing body's adopted policy, the governing body must submit a report of the challenge to the Tennessee state library coordinator that includes:

(1) The title, author, and other relevant identifying information about the material being challenged;

(2) The date, time, and location of any public hearing held on the challenge in question, including minutes or transcripts;

(3) The result of the challenge or reconsideration request; and

(4) Accurate and timely information on who from the governing body the department of education may contact with questions or follow-up.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 38, is amended by deleting the part.

SECTION 3. Tennessee Code Annotated, Section 49-6-2201, is amended by deleting subsection (m).

SECTION 4. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 5. This act takes effect July 1, 2025, the public welfare requiring it.