

JAN 17 2025

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# A BILL FOR AN ACT

RELATING TO THE FREEDOM TO READ.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the freedom to read  
2 is constitutionally protected by the First Amendment of the  
3 United States Constitution and that individuals have the right  
4 to free inquiry and the right to form their own opinions. The  
5 freedom to read does not require a person to agree with topics  
6 or themes within a material, and instead allows a reader to  
7 explore and engage with differing perspectives to form and  
8 inform their own views. The legislature further finds that  
9 school libraries and public libraries have an important role in  
10 promoting intellectual freedom, providing equitable access to  
11 learning resources, and promoting democracy by providing service  
12 to all persons.

13           The legislature further finds that, according to the  
14 American Library Association, over four thousand two hundred  
15 works in school and public libraries in the United States were  
16 targeted in 2023, a significant increase from the 2022 record of



1 almost two thousand six hundred books. During the first eight  
2 months of 2024, 1,128 books were challenged.

3       Additionally, the legislature finds that several states  
4 have enacted legislation to prevent book bans from occurring in  
5 their states: California, Colorado, Illinois, Maryland,  
6 Minnesota, New Jersey, Vermont, and Washington; and more states  
7 are considering bans. These laws, though tailored for each  
8 state, generally prohibit the banning of books in public and  
9 school libraries because of the origin, background, or views of  
10 the book or of its authors, although restrictions on content for  
11 certain age groups is allowed. The legislature further finds  
12 that resolutions have been introduced in Congress raising  
13 concerns about the banning of books and censorship, the most  
14 recent being S. Res. 857, 118th Cong. (2nd Sess. 2024), titled  
15 "A resolution expressing concern about the spreading problem of  
16 book banning and the proliferation of threats to freedom of  
17 expression in the United States". The resolution urges local  
18 governments and school districts to take action "to protect the  
19 rights of students to learn and the ability of educators and  
20 librarians to teach, including by providing students with the



1 opportunity to read a wide array of books reflecting the full  
2 breadth and diversity of viewpoints and perspectives".

3 The legislature acknowledges that there are existing board  
4 of education policies relating to the selection of material in  
5 public libraries and these policies may provide a framework for  
6 statutory protections of the freedom to read.

7 Accordingly, the purpose of this Act is to protect the  
8 freedom to read in the State's public libraries and public  
9 school libraries.

10 SECTION 2. Chapter 302A, Hawaii Revised Statutes, is  
11 amended by adding a new subpart to part II to be appropriately  
12 designated and to read as follows:

13 " . School Libraries

14 **§302A- Selection and acquisition of library books;**  
15 **freedom to read.** (a) The department shall select materials for  
16 inclusion, circulation, and exclusion in school library  
17 collections according to the professional judgment of the  
18 selectors regarding the material's value to the library's  
19 collection. Selection shall be for students from grades  
20 kindergarten through twelve in accordance with professionally  
21 accepted guidelines and shall be based on awareness of community



1 interests and concerns, local, national and international issues  
2 and events, publishing trends, new insights, and societal  
3 trends, and provide a broad and relevant collection that  
4 reflects the diversity of the State.

5 (b) The department shall uphold the concept of the freedom  
6 to read. No books or other materials shall be excluded or  
7 removed from circulation because of the race, nationality,  
8 religion, gender, sexual orientation, or political or social  
9 views of the author, or due to partisan, ideological, or  
10 religious disapproval. Selection of materials shall not be  
11 construed to imply agreement with, approval or endorsement of  
12 the content, viewpoint, implication, or expression of the book  
13 or other material."

14 SECTION 3. Section 312-3.9, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[+]§312-3.9[+] Selection and acquisition of library  
17 books[-]; freedom to read. [~~a~~] ~~The board of education shall~~  
18 ~~take all steps possible in any outsourcing contract in effect on~~  
19 ~~July 1, 1997, including the development and implementation of~~  
20 ~~necessary procedures, to ensure formal involvement by the state~~



1 ~~public service librarians in the selection of books and other~~  
2 ~~library materials.~~

3 ~~(b) Upon termination of any outsourcing contract in effect~~  
4 ~~on July 1, 1997, decisions]~~ (a) Decisions regarding the  
5 selection of books and other resources on behalf of the state  
6 library system that require the expenditure of public moneys  
7 shall be performed internally by the public service librarians  
8 of the state library system. The state librarian may contract  
9 with external sources for the purchase of books and other  
10 resources selected by the public service librarians. The state  
11 librarian shall be responsible for books or other resources  
12 acquired on behalf of the state library system.

13 (b) The state librarian and state library system  
14 librarians shall select books and other materials for inclusion,  
15 circulation, and exclusion in the state library collection  
16 according to the professional judgment of the selector regarding  
17 the material's value to the library's collection. Selection  
18 shall be for audiences of all ages in accordance with  
19 professionally accepted guidelines and shall be based on  
20 awareness of community interests and concerns, local, national  
21 and international issues and events, publishing trends, new



1 insights, and societal trends, and provide a broad and relevant  
2 collection that reflects the diversity of the State.

3 (c) The state librarian and state library system  
4 librarians shall uphold the concept of the freedom to read. No  
5 books or other materials shall be excluded or removed from  
6 circulation because of the race, nationality, religion, gender,  
7 sexual orientation, or political or social views of the author,  
8 or due to partisan, ideological, or religious disapproval.  
9 Selection of materials shall not be construed to imply agreement  
10 with, approval or endorsement of the content, viewpoint,  
11 implication, or expression of the book or other material."

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Karl Rhoads*



# S.B. NO. 799

**Report Title:**

DOE; Freedom to Read; School Libraries; Public Libraries; State Librarian

**Description:**

Requires the Department of Education to select materials for inclusion, circulation, and exclusion in school library collections according to certain criteria. Requires the Department of Education to uphold the freedom to read. Prohibits the Department of Education from excluding books based on certain criteria. Requires the State Librarian to select materials for inclusion, circulation, and exclusion in school library collections according to certain criteria. Requires the State Librarian to uphold the freedom to read. Prohibits the State Librarian from excluding books based on certain criteria.

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