

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 902

Short Title: Free to Learn - Library Bill of Rights Act. (Public)

Sponsors: Representatives von Haefen, Morey, Dew, and Greenfield (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 14, 2025

A BILL TO BE ENTITLED
AN ACT ENACTING THE FREE TO LEARN – LIBRARY BILL OF RIGHTS ACT AND
APPROPRIATING FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1.1.(a) The General Statutes are amended by adding a new Chapter to
read:

"Chapter 125A.

"Free to Learn – Library Bill of Rights.

"Article 1.

"General Provisions.

"§ 125A-1. Short title.

This Chapter shall be known and may be cited as the "Free to Learn – Library Bill of Rights Act."

"§ 125A-2. Purpose.

The purpose of this Chapter is to establish and protect the rights of North Carolina residents to access information, preserve intellectual freedom, maintain privacy, and participate in library services without discrimination or undue restriction.

"§ 125A-3. Definitions.

The following definitions apply in this Chapter:

(1) City. – As defined in G.S. 160A-1.

(2) Interlocal agreement. – An agreement between two or more governmental units to jointly provide library services pursuant to G.S. 160A-461.

(3) Library. – As defined in G.S. 125-18.

(4) Library materials. – Books, periodicals, newspapers, audio and video recordings, online resources, databases, and other information resources made available by a library, and as defined in G.S. 153A-263.

(5) Library programs. – Educational, cultural, recreational, or informational events, activities, or presentations sponsored or cosponsored by a library.

(6) Library records. – As defined in G.S. 125-18.

(7) Library services. – Programs, activities, and functions provided by a library to its users, consistent with the "free library services" provisions in G.S. 125-14 and G.S. 153A-264.

(8) Regional library system. – A library system established pursuant to G.S. 125-8 that serves multiple counties or cities through a cooperative arrangement.

"§ 125A-4. Scope; application.



(a) The provisions of this Chapter apply to all libraries in this State.

(b) This Chapter applies to online services, digital resources, and internet access provided by libraries, as well as to physical materials and in-person services.

(c) The rights established in this Chapter supplement and do not replace or supersede other rights and responsibilities regarding library operations, management, and services otherwise expressly stated in Chapter 125, 153A, or 160A of the General Statutes.

(d) Nothing in this Chapter restricts the authority granted to libraries, library boards, or the State Library under Chapter 125, 153A, or 160A of the General Statutes.

"§ 125A-5. Interlocal agreements and regional systems.

(a) When libraries operate under interlocal agreements pursuant to G.S. 160A-461 or as part of regional library systems established under G.S. 125-8, all participating governmental units shall share responsibility for ensuring compliance with this Chapter.

(b) Regional library systems shall document how each participating library is implementing the requirements of this Chapter and shall submit this documentation to the State Library annually.

(c) The State Library shall provide model language for interlocal agreements and regional library system agreements to ensure compliance with this Chapter.

"Article 2.

"Rights of Library Users.

"§ 125A-6. Right to access information.

(a) Every person has the right to access information and ideas through library materials regardless of content, approach, format, or viewpoint of the material.

(b) No government entity or public official shall prohibit or restrict access to library materials based solely on their content or viewpoint.

(c) This section does not limit the authority of libraries and library boards to develop collections in accordance with professional standards and community needs, as provided in G.S. 153A-266.

(d) Libraries may implement reasonable policies concerning access to age-appropriate materials for minors, provided such policies do not unduly restrict access to information and are consistent with professional library standards.

"§ 125A-7. Right to access.

Every person has the right to fair access to library services, materials, and programs without discrimination based on age, race, national origin, gender, sexual orientation, religion, disability, socioeconomic status, or viewpoint. This right shall be construed in a manner consistent with the "free library service" provisions established in G.S. 125-14 and G.S. 153A-264.

"§ 125A-8. Right to intellectual freedom.

(a) Every person has the right to pursue intellectual inquiry through libraries without surveillance, interference, or intimidation.

(b) No person shall interfere with or intimidate any person in the exercise of their intellectual pursuits within a library.

(c) Libraries shall uphold principles of intellectual freedom in accordance with national professional library standards.

"§ 125A-9. Right to privacy.

(a) Every person has the right to privacy regarding their use of library materials and services, consistent with G.S. 125-19.

(b) Library records that identify a person as having requested or obtained specific library materials or services shall be confidential.

(c) A library shall not disclose library records except when necessary for the reasonable operation of the library, upon written consent of the user, or pursuant to subpoena, court order, or if otherwise required by law.

(d) A library shall not implement or maintain systems that unnecessarily track or monitor a user's reading habits, browsing history, or intellectual pursuits when such information is personally identifiable.

"§ 125A-10. Protection from retaliation.

(a) No library employee, volunteer, board member, or contractor shall be discharged, threatened, or otherwise discriminated against regarding compensation, terms, conditions, location, or privileges of employment or service because the person took any of the following actions:

- (1) Reported or was about to report a violation of this Chapter.
- (2) Testified or was about to testify in a proceeding under this Chapter.
- (3) Refused to participate in a violation of this Chapter.
- (4) Provided information to the State Library, Attorney General, or any law enforcement agency regarding a violation of this Chapter.

(b) In addition to any other remedies provided by law, a person who alleges a violation of this section may bring a civil action and may be entitled to one or more of the following:

- (1) Reinstatement to the same position with the same seniority status, benefits, and conditions of employment.
- (2) Compensation for lost wages, benefits, and other remuneration.
- (3) Payment of reasonable costs and attorneys' fees.
- (4) An injunction against continued violations.
- (5) Other appropriate relief necessary to make the person whole.

(c) Libraries shall post notice of the protections provided by this section in a conspicuous location accessible to all employees and volunteers.

"§ 125A-11. Online privacy protections.

(a) Library users have the right to privacy when accessing digital resources, online services, and internet connections provided by libraries.

(b) Libraries shall collect only the minimum amount of personally identifiable information necessary to provide services to users and shall do all of the following:

- (1) Limit retention of personally identifiable information to the time needed for operational purposes.
- (2) Anonymize usage data retained for statistical purposes.
- (3) Delete browser history, search records, and other online activity data when no longer needed for operational purposes and in no case later than 60 days after collection unless retention is required by law.
- (4) Secure all personally identifiable information against unauthorized access, disclosure, modification, or destruction.

(c) Libraries shall develop and prominently display a privacy policy that discloses all of the following information:

- (1) What personally identifiable information is collected.
- (2) How the information is used.
- (3) How long the information is retained.
- (4) With whom the information may be shared.
- (5) How users can access, correct, or delete their information.

(d) When contracting with third-party service providers, libraries shall:

- (1) Include provisions requiring protection of user privacy.
- (2) Prohibit commercial use of user data except as necessary to provide the contracted service.
- (3) Require appropriate security measures.
- (4) Ensure compliance with this Chapter.

(e) Libraries shall implement reasonable measures to protect the privacy of users of public access computers, including regular clearing of browser history, cookies, and cached

information; prohibition of persistent tracking technologies; and use of privacy screens when appropriate.

"§ 125A-12. Library programs and events; conduct policies.

(a) Every person has the right to access library programs, events, and activities offered by libraries consistent with the library's mission and resources.

(b) No governing board, government entity, or public official may prohibit or cancel library programs based solely on the content or viewpoint of the program.

(c) When libraries provide meeting spaces for public use, they shall establish viewpoint-neutral policies governing the use of these spaces in accordance with constitutional principles. Library staff shall receive training about identifying the constitutional boundaries between protected expression and unprotected conduct.

(d) Libraries shall implement conduct policies for program attendees and presenters that, at the minimum, do all of the following:

(1) Prohibit any person from engaging in conduct that disrupts a program or interferes with the ability of others to participate.

(2) Prevent any person from engaging in harassment, intimidation, or threats against program presenters, attendees, or library staff because of race, color, religion, nationality, country of origin, sex, disability, age, or other status protected by law.

(3) Prohibit any person from threatening violence against individuals or groups, using abusive language that would provoke immediate retaliation in a face-to-face confrontation, or inciting imminent unlawful action.

(4) Establish reasonable procedures for audience participation that require orderly conduct while ensuring that the procedures are not used to suppress lawful expression of viewpoints.

(5) Ensure that restrictions on conduct are enforced uniformly without regard to the content of the speech or the viewpoint expressed.

(6) Require written documentation of the specific conduct warranting any intervention, enforce consequences for violations, and offer an informal fair process for appeals.

Libraries shall provide public notice of these conduct policies.

"Article 3.

"Administration and Enforcement.

"§ 125A-13. Policies; notice; training.

(a) Libraries shall develop policies that implement and protect the rights established in this Chapter and make information about those rights readily available to library users.

(b) Libraries shall provide adequate training to staff regarding the rights established in this Chapter and procedures for protecting these rights.

"§ 125A-14. State Library; operational coordination; Attorney General resources.

(a) The State Library, established under G.S. 125-1, shall develop guidelines to assist libraries in implementing this Chapter in a manner consistent with existing library laws.

(b) For libraries operated by a city, as defined in G.S. 160A-1, the governing body of the city shall adopt policies that protect and implement the rights established in this Chapter.

(c) The Attorney General shall establish a Library Rights Legal Resource Center to provide information, training, and consultation to libraries, library boards, and the State Library regarding the implementation and enforcement of this Chapter.

"§ 125A-15. Enforcement of protections.

(a) Any person who believes their rights under this Chapter have been violated may file a complaint with the governing body of the library where the alleged violation occurred. If a complaint is not resolved satisfactorily at the local level, the person may appeal to the State Library, which shall investigate and make recommendations for resolution. If the matter remains

unresolved after the State Library's review, the person may submit the complaint to the Attorney General for further review and possible enforcement action.

(b) Any person aggrieved by a violation of this Chapter may bring a civil action in an appropriate North Carolina court for declaratory and injunctive relief. The court may allow a prevailing plaintiff reasonable attorneys' fees and costs in any action brought under this section.

(c) The Attorney General shall develop legal guidelines to assist libraries in implementing this Chapter in compliance with federal and State constitutional requirements. At a minimum, these guidelines shall address (i) First Amendment considerations in materials selection and access, (ii) privacy and confidentiality requirements, (iii) due process in materials challenges, and (iv) antidiscrimination provisions in library services.

(d) In an action brought by the Attorney General, the court may assess a civil penalty against any government entity, public official, or other person or entity that willfully violates this Chapter as follows:

(1) For a first violation, a penalty not to exceed one thousand dollars (\$1,000);

(2) For a second violation, a penalty not to exceed two thousand five hundred dollars (\$2,500); and

(3) For a third or subsequent violation, a penalty not to exceed five thousand dollars (\$5,000).

In determining the amount of the penalty, the court shall consider the seriousness of the violation, the duration of the violation, any good-faith efforts to comply with this Chapter, and the appropriateness of the penalty to the size and resources of the violator. The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

"§ 125A-16. Civil actions.

(a) The Attorney General may bring a civil action to enforce compliance with this Chapter. In any such action, the Attorney General may request any relief authorized by this section.

(b) The Attorney General shall represent the State Library in any litigation arising under this Chapter.

(c) The Attorney General may intervene in any civil action brought by an individual under this Chapter if the Attorney General certifies that the case is of general public importance.

(d) Libraries shall report to the Attorney General any formal challenge to library materials within 30 days of receiving such challenge. The report shall include:

(1) The title and description of the challenged material.

(2) The basis of the challenge.

(3) The policy followed to address the challenge.

(4) The resolution or status of the challenge.

(5) Any other information required by the Attorney General.

(e) The Attorney General shall publish an annual report on the implementation of this Chapter, including patterns of challenges to library materials, enforcement actions taken, complaints resolved, and recommendations for legislative or policy changes.

"§ 125A-17. Public education campaign.

The State Library shall develop and implement a statewide public education campaign to inform North Carolina residents about their rights under this Chapter. The State Library shall annually evaluate the effectiveness of the campaign and adjust strategies as needed to maximize public awareness. The State Library shall collaborate with the Department of Justice, the Department of Public Instruction, and other relevant agencies to develop and distribute educational materials.

"Article 4.

"Miscellaneous.

"§ 125A-18. Severability.

If any provision of this Chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Chapter and the application of its provisions to other persons or circumstances shall not be affected."

SECTION 1.1.(b) Article 3 of Chapter 125 of the General Statutes reads as rewritten:

"Article 3.

"Library Records.

"§ 125-18. Definitions.

As used in this Article, unless the context requires otherwise:

(1) ~~"Library" means a library.~~ – A library established by the State; a county, city, township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities; community college or university; or any private library open to the public.

(2) ~~"Library record" means a library record.~~ – A document, record, or other method of storing information retained by a library that identifies a person as having requested or obtained specific information or materials from a library. ~~"Library record"~~ The phrase does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

"§ 125-19. Confidentiality of library user records.

(a) Disclosure. – A library shall not disclose any library record that identifies a person as having requested or obtained specific materials, information, or services, or as otherwise having used the library, except as provided for in subsection (b).

(b) Exceptions. – Library records may only be disclosed in one of the following instances:

(1) When necessary for the reasonable operation of the ~~library;~~ library.

(2) Upon written consent of the ~~user;~~ or user.

(3) Pursuant to ~~subpoena, court order, or where otherwise required by law;~~ subpoena or court order.

(4) As allowed under Chapter 125A of the General Statutes or as otherwise required by State or federal law."

SECTION 1.1.(c) G.S. 153A-262 reads as rewritten:

"§ 153A-262. Library materials defined.

For purposes of this Article, the phrase "library materials" includes, without limitation, books, plates, pictures, engravings, maps, magazines, pamphlets, newspapers, periodicals, manuscripts, films, transparencies, microforms, audio or video recordings, online resources, databases, or other information resources made available by a library, or other specimens, works of literature, or objects of art, historical significance, or curiosity."

SECTION 1.1.(d) G.S. 125-2 is amended by adding a new subdivision to read:

"(11) To carry out duties relating to the implementation and enforcement of Chapter 125A of the General Statutes in cooperation with the Department of Justice and other pertinent units of State or local government."

SECTION 1.1.(e) G.S. 153A-266 reads as rewritten:

"§ 153A-266. Powers and duties of trustees.

(a) If a board of trustees is appointed, it shall elect a chairman and may elect other officers. The governing body may delegate to the board of trustees any of the following powers:

(1) To formulate and adopt programs, policies, and regulations for the government of the library;

(2) To make recommendations to the governing body concerning the construction and improvement of buildings and other structures for the library system;

(3) To supervise and care for the facilities of the library system;

(4) To appoint a chief librarian or director of library services and, with his advice, to appoint other employees of the library system. If some other body or official

is to appoint the chief librarian or director of library services, to advise that body or official concerning that appointment;

(5) To establish, a schedule of fines and charges for late return of, failure to return, damage to, and loss of library materials, and to take other measures to protect and regulate the use of such materials;

(6) To participate in preparing the annual budget of the library system;

(7) To extend the privileges and use of the library system to nonresidents of the county or city establishing or supporting the system, on any terms or conditions the board may prescribe.

(8) To otherwise advise the board of commissioners on library matters.

(9) To adopt policies that implement and protect the library and users in accordance with Chapter 125A of the General Statutes.

(b) The board of trustees shall make an annual report on the operations of the library to the governing body of the county or city and shall make an annual report to the Department of Natural and Cultural Resources as required by G.S. 125-5.

(c) If no board of trustees is established, the governing body shall adopt policies and ordinances that protect libraries and users in accordance with Chapter 125A of the General Statutes and make the annual report to the Department."

SECTION 1.2.(a) There is appropriated from the General Fund to the Department of Natural and Cultural Resources, State Library Division, the sum of two million dollars (\$2,000,000) in each year of the 2025-2027 fiscal biennium to implement this act. These funds shall be allocated as follows:

(1) One million dollars (\$1,000,000) to establish and administer the Free to Learn Library Grant Program to assist libraries in developing policies, training staff, and implementing the requirements of Chapter 125A of the General Statutes.

(2) Four hundred thousand dollars (\$400,000) to support libraries in providing reasonable access to computers, internet connectivity, and digital literacy training and implementing online privacy protections under this act.

(3) One hundred thousand dollars (\$100,000) for the State Library to develop model policies, procedures, and guidelines; provide technical assistance to libraries; and establish a complaint resolution process under this act.

(4) Four hundred thousand dollars (\$400,000) for a Legal Protection Fund to assist libraries in defending against challenges to materials accessed pursuant to rights established by this act.

(5) One hundred thousand dollars (\$100,000) for the public education campaign required by this act.

SECTION 1.2.(b) This section becomes effective July 1, 2025.

SECTION 2.1.(a) Chapter 114 of the General Statutes is amended by adding a new Article to read:

"Article 11.

"Enforcement of Library Bill of Rights.

"§ 114-70. Library Rights Division.

(a) The Library Rights Division (Division) is established within the Department of Justice. The Attorney General may designate an Assistant Attorney General to lead the Division and may employ such additional attorneys, investigators, and staff as may be necessary to carry out the duties prescribed in this Article. The Division has the following duties with respect to Chapter 125A of the General Statutes:

(1) Implement and monitor compliance with Chapter 125A of the General Statutes.

(2) Investigate possible violations and bring enforcement actions.

(3) Maintain a system for receiving and tracking library materials challenges.

(4) Staff the Library Rights Legal Resource Center to do all of the following under Chapter 125A of the General Statutes:

- a. Provide information and consultation to libraries, library boards, and the Department of Natural and Cultural Resources regarding the implementation and enforcement of Chapter 125A of the General Statutes. This includes offering training for library staff and board members and the State Library on legal aspects of the Free to Learn – Library Bill of Rights Act.
- b. Provide legal guidance to libraries, library boards, the State Library, and city and county attorneys about compliance with federal and State constitutional and statutory requirements. This includes developing and distributing model policies addressing First Amendment considerations, privacy and confidentiality requirements, due process in materials challenges, and antidiscrimination provisions.
- c. Collect and analyze data regarding (i) patterns of challenges to library materials and programs, (ii) enforcement actions taken under Chapter 125A of the General Statutes, and (iii) complaints received and resolved.

(b) Beginning October 1, 2026, the Attorney General shall submit an annual report on the implementation of Chapter 125A of the General Statutes, including the data collected under this section, and recommendations for legislative or policy changes to the Governor and the General Assembly.

"§ 114-71. Coordination with State Library.

The Library Rights Division shall coordinate with the State Library on all of the following relative to Chapter 125A of the General Statutes:

- (1) Developing model policies, procedures, and guidelines.
- (2) Conducting the library public education campaign.
- (3) Providing technical assistance to libraries.
- (4) Establishing consistent procedures for the complaint resolution process.

"§ 114-72. Rules.

The Attorney General shall adopt rules implementing this Article, including rules establishing procedures for reporting library materials challenges, standards for investigating potential violations of Chapter 125A of the General Statutes, and criteria for determining when to bring enforcement actions."

SECTION 2.1.(b) Effective July 1, 2025, G.S. 114-2 is amended by adding a new subdivision to read:

- "(11) To enforce the provisions of Chapter 125A of the General Statutes and to provide legal guidance to libraries and the State Library in the implementation of the Free to Learn Library Bill of Rights Act as provided in Article 11 of this Chapter."

SECTION 2.2. Effective July 1, 2025, there is appropriated from the General Fund to the Department of Justice the sum of one million dollars (\$1,000,000) in each year of the 2025-2027 fiscal biennium to establish the Library Rights Division pursuant to this act. These funds shall be allocated as follows:

- (1) Seven hundred fifty thousand dollars (\$750,000) to establish and maintain the Library Rights Legal Resource Center, including an Assistant Attorney General to lead the Library Rights Division, other legal staff, and support staff. This allocation includes funding to develop and implement a system for tracking and responding to library materials challenges.
- (2) Two hundred fifty thousand dollars (\$250,000) for the public education campaign authorized in this act.

1 **SECTION 3.1.** Except as otherwise provided, this act is effective when it becomes
2 law.