

# STATE OF NEW YORK

3119--B

2025-2026 Regular Sessions

## IN ASSEMBLY

January 23, 2025

Introduced by M. of A. KELLES, SEAWRIGHT, EACHUS, SIMON, LEVENBERG, GRIFFIN, PAULIN, HEVESI, GONZALEZ-ROJAS, ROMERO, REYES, RAGA, EPSTEIN, DAVILA, SHIMSKY, SHRESTHA, McMAHON, MAGNARELLI, LUNSFORD, OTIS, FORREST, SOLAGES, CONRAD -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring certain libraries to adopt policies ensuring that library staff are able to curate and develop collections, services, and programming that reflect the values and protections established under the human rights law and the equal rights amendment to the state constitution

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "open shelves act".  
3 § 2. Legislative intent. It is the sense of the legislature that  
4 public libraries are essential to ensuring broad access to information,  
5 fostering informed citizenship, intellectual exploration, and imagina-  
6 tion. By ensuring that library collections, services, and programming  
7 reflect diverse experiences and perspectives, the legislature seeks to  
8 maintain libraries as spaces where all members of the community can  
9 engage with the marketplace of ideas, promoting open access to informa-  
10 tion and points of view. Librarians are professionals trained to curate  
11 robust collections that serve the full spectrum of their communities,  
12 and this legislation affirms the state's trust in their ability to do  
13 so.  
14 § 3. Section 254 of the education law, as amended by chapter 718 of  
15 the laws of 1981, is amended to read as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD00089-07-5

1 § 254. Standards of library service. 1. The regents shall have power  
2 to fix standards of library service for every free association, public  
3 and hospital library or, with the advice of the appropriate tribal  
4 government and library board of trustees, Indian library which receives  
5 any portion of the moneys appropriated by the state to aid such  
6 libraries, or which is supported in whole or in part by tax levied by  
7 any municipality or district. In the case of a hospital library or a  
8 library serving a hospital, such standards shall be established in  
9 consultation with the commissioner of health. If any such library shall  
10 fail to comply with the regents requirements, such library shall not  
11 receive any portion of the moneys appropriated by the state for free,  
12 hospital or Indian libraries nor shall any tax be levied by any munic-  
13 ipality or district for the support in whole or in part of such library.

14 2. Such standards shall require every free association, public, and  
15 hospital library or, with the advice of the appropriate tribal govern-  
16 ment and library board of trustees, Indian library, which receives any  
17 portion of the moneys appropriated by the state to aid such libraries,  
18 to adopt policies and procedures that ensure library staff are able to  
19 curate and develop library collections, services, and programming in a  
20 manner that shall be consistent with the values and protections estab-  
21 lished under the human rights law under article fifteen of the executive  
22 law and the equal rights amendment to the state constitution.

23 § 4. This act shall take effect on the thirtieth day after it shall  
24 have become a law.