

SENATE BILL 846

F5

3lr3029

By: **Senator King**

Introduced and read first time: February 6, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable

Senate action: Adopted

Read second time: March 1, 2023

CHAPTER _____

1 AN ACT concerning

2 **Libraries – Circulation Records – Inspection, Use, or Disclosure Requirement**
3 **Revision**

4 FOR the purpose of altering the circumstances under which certain libraries must permit
5 the inspection, use, or disclosure of the circulation record of an individual; and
6 generally relating to circulation records and libraries.

7 BY repealing and reenacting, with amendments,

8 Article – Education

9 Section 23–108

10 Annotated Code of Maryland

11 (2022 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Education**

15 23–108.

16 (a) Subject to the provisions of subsection (b) of this section, a [free association]
17 **PUBLIC**, school, college, or university library in this State shall prohibit inspection, use, or
18 disclosure of any circulation record or other item, collection, or grouping of information
19 about an individual that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (1) Is maintained by a library;

2 (2) Contains an individual’s name or the identifying number, symbol, or
3 other identifying particular assigned to the individual; and

4 (3) Identifies the use a patron makes of that library’s materials, services,
5 or facilities.

6 (b) A [free association] **PUBLIC**, school, college, or university library in the State
7 shall permit inspection, use, or disclosure of the circulation record of an individual only [in
8 connection with the library’s ordinary business and only for the purposes for which the
9 record was created]:

10 (1) **IF NECESSARY FOR THE REASONABLE OPERATION OF THE**
11 **LIBRARY;**

12 (2) **ON WRITTEN CONSENT OF THE INDIVIDUAL; OR**

13 (3) **BY SUBPOENA OR COURT ORDER.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.