

Chapter 737

(Senate Bill 846)

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,

Article – Education

Section 23–108

Annotated Code of Maryland

(2022 Replacement Volume)

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

Article – Education

23–108.

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

- (1) Is maintained by a library;
- (2) Contains an individual's name or the identifying number, symbol, or other identifying particular assigned to the individual; and
- (3) Identifies the use a patron makes of that library's materials, services, or facilities.

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

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

- (2) ON WRITTEN CONSENT OF THE INDIVIDUAL; OR**
- (3) BY SUBPOENA OR COURT ORDER.**

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

Approved by the Governor, May 16, 2023.