



June 23, 2025

The Honorable Mike DeWine  
Governor of Ohio  
77 S. High Street, 30<sup>th</sup> Floor  
Columbus, OH 43215

Dear Governor DeWine:

As the statewide organization representing Ohio's 251 public library systems, we are reaching out to share our concerns regarding proposed ORC Section 3375.47 in House Bill (HB) 96, the FY26-27 state operating budget.

### **Collection Development Policies - Background**

Every public library system is a reflection of the community it serves and, in some cases, different branches within a single system may offer different services and programs based on the needs of their local neighborhood. When it comes to the books on the shelves or materials in the collection, Ohio's public libraries are open to all and serve everyone. Therefore, each system has a collection development policy and a process in place for purchasing materials so that we have something for everyone. With that comes a process for feedback and input from the local community through various means. While libraries provide access to information, it is up to the individual library patron and customer to determine what they choose to read.

### **Proposed Language in HB 96**

HB 96 includes language that would require public libraries to “place materials related to sexual orientation or gender identity or expression in a portion of the public library that is not primarily open to the view of persons under the age of eighteen.”

### **OLC's Opposition**

- We believe this language is overly broad, vague and may be extremely difficult to administer. As an example, some have indicated that this language would require libraries to move Anne Frank's "The Diary of a Young Girl" away from the view of anyone under the age of 18 because the title references the author's gender identity.
- Some county prosecutors who serve as statutory legal counsel for public libraries in Ohio have already questioned the constitutionality of this language under both state and federal law. In addition, a federal court in Arkansas recently found similar language to be in violation of the First Amendment when a library segregated materials in a similar way and ordered the library system to pay plaintiffs' legal fees.<sup>1</sup>

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<sup>1</sup> <https://arkansasadvocate.com/2025/04/29/crawford-county-library-will-foot-the-bill-for-lawsuit-over-segregation-of-lgbtq-childrens-books/>

- As stated above, libraries already have policies in place to address this issue.
- While libraries do provide access to information, we do not act “in loco parentis.” We do not act in the place of the parent or guardian. Parents and guardians play a vital role in determining what their children are reading and have a right to determine what is best for their child.
- Libraries support parents and families with library materials by offering different types of library cards with varying levels of access and privileges with controls.
- Implementing this language would be extremely costly and difficult to manage. Some libraries have millions of volumes in their collection and some have estimated this could require an additional \$3.1 million in expenses for just a single library system. Others have projected at least six years for their staff to review the existing materials to ensure compliance and possibly closing off entire sections of the library to individuals under 18.
- Some library locations are particularly small with less than 2,500 square feet. It may be nearly impossible to keep materials designated for adults completely out of the sight of certain visitors.
- Unfortunately, this extremely broad and vague language may require some physical library locations to become adult-only locations and totally eliminate access to individuals under the age of 18 to ensure compliance.
- The proposed policy language in HB 96 has no financial impact on the state’s balance sheet, but it will have a drastic impact on local library budgets by adding costly unfunded state mandates at the local level.

For these reasons and more, OLC is strongly opposed to this language, and we respectfully urge you to veto this provision if it reaches your desk.

Sincerely,



Michelle Francis  
Executive Director, Ohio Library Council