

As Introduced

135th General Assembly  
Regular Session  
2023-2024

H. B. No. 622

Representative Cutrona

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A BILL

To amend section 5747.48 and to enact section 1  
3375.68 of the Revised Code to require each 2  
board of public library trustees to adopt a 3  
policy that prohibits its libraries from 4  
displaying matter harmful to juveniles and to 5  
redistribute the public library funds of 6  
libraries that fail to do so. 7

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 5747.48 be amended and section 8  
3375.68 of the Revised Code be enacted to read as follows: 9

**Sec. 3375.68.** (A) As used in this section, "harmful to 10  
juveniles" has the same meaning as in section 2907.01 of the 11  
Revised Code. 12

(B) Each board of public library trustees shall adopt a 13  
policy that requires each library under its control to do both 14  
of the following: 15

(1) Prohibit patrons under eighteen years of age from 16  
borrowing or viewing materials that are harmful to juveniles 17  
unless the library has received parental consent with respect to 18  
any item to be viewed or borrowed by the patron; 19

(2) Conceal from viewing any materials that are harmful to juveniles so that the materials are not open to view by juveniles as part of the invited general public. 20  
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(C) A library may comply with the requirement in division (A) (2) of this section by doing any of the following with respect to material that is harmful to juveniles: 23  
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(1) Placing the material behind blinder racks or similar devices that cover at least the lower two-thirds of the material; 26  
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(2) Wrapping the material; 29

(3) Placing the material behind a circulation counter; 30

(4) Otherwise covering the material or locating it so that the portion that is harmful to juveniles is not open to the view of juveniles. 31  
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(D) (1) A resident of this state who believes that a library is not complying with the requirements of division (B) or (C) of this section may file a complaint with the state library board. Upon receiving the complaint, the state library board shall investigate whether the library is complying with the requirements of division (B) or (C) of this section. If the board determines that the library is not complying with such a requirement, the board shall submit a report of the board's determination to the county treasurer of any county from which the library receives distributions from the county public library fund under section 5747.48 of the Revised Code. 34  
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(2) Upon the request of a board of public library trustees of a library reported under division (D) (1) of this section as failing to comply with the requirements of division (B) or (C) of this section, the state library board shall evaluate whether 45  
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the library is compliant with those requirements. If the state 49  
library board determines that the library is in compliance with 50  
those requirements, the board promptly shall issue an addendum 51  
to the board's original report concerning the library to the 52  
county treasurer of any county from which the library receives 53  
distributions from the county public library fund under section 54  
5747.48 of the Revised Code. 55

**Sec. 5747.48.** (A) On the fifteenth day of each month, the 56  
county treasurer shall distribute the balance in the county 57  
public library fund among the county, boards of public library 58  
trustees, municipal corporations, and boards of township park 59  
commissioners for which the county budget commission has fixed 60  
an allocation from the fund in that year in accordance with 61  
section 5705.32 of the Revised Code in the same proportions that 62  
each such entity's allocation as fixed by the commission is of 63  
the total of all such allocations in that year, except as 64  
provided in division (B) of this section. 65

All money received into the treasury of a municipal 66  
corporation or county shall be credited to the general fund 67  
therein, provided that in a municipal corporation there shall be 68  
credited to the funds established under division (D) of section 69  
5705.09 of the Revised Code a portion of the total amount to be 70  
credited to funds of the municipal corporation, which portion 71  
shall be determined by multiplying the total amount to be 72  
credited by the percentage that the funds credited under 73  
division (D) of said section in 1938 bore to all the funds 74  
credited under said section in 1938. If a municipal corporation 75  
is in default with respect to the principal or interest of any 76  
outstanding notes or bonds, the moneys distributed under this 77  
section shall be credited to the funds established under 78  
divisions (A), (B), (C), and (D) of section 5705.09 of the 79

Revised Code, in the same proportion in which the funds derived 80  
from the levy for the previous year on the general tax list and 81  
duplicate are divided. 82

(B) A county treasurer that has received a report 83  
described in division (D) (1) of section 3375.68 of the Revised 84  
Code shall not make the monthly payments otherwise required 85  
under division (A) of this section to the board of public 86  
library trustees of a library that is the subject of that 87  
notice, beginning with the next required payment. Instead, the 88  
county treasurer shall distribute any such payments among the 89  
other boards of public library trustees, the county, and the 90  
municipal corporations and boards of township park commissioners 91  
fixed an allocation from the county public library fund. The 92  
amount allocated to each board or subdivision shall equal the 93  
amount of the forgone payment multiplied by a fraction, the 94  
numerator of which is the amount of the board's or subdivision's 95  
allocation for the applicable month, not accounting for any 96  
adjustment required by this division, and the denominator of 97  
which is the sum of the allocations of all such boards or 98  
subdivisions for that month, not accounting for any adjustment 99  
required by this division. 100

The county treasurer shall cease making the adjustment 101  
described in this division beginning with the next payment 102  
following the date the treasurer receives the addendum described 103  
in division (D) (2) of section 3375.68 of the Revised Code. 104

**Section 2.** That existing section 5747.48 of the Revised 105  
Code is hereby repealed. 106