

**As Passed by the House**

**136th General Assembly**

**Regular Session**

**2025-2026**

**Sub. H. B. No. 246**

**Representatives Swearingen, Fischer**

**Cosponsors: Representatives Williams, Thomas, D., Hall, T., Gross, Johnson, Plummer, Stephens, Abrams, Barhorst, Bird, Brennan, Click, Daniels, Deeter, Demetriou, Denson, Dovilla, Ghanbari, Glassburn, Hall, D., Hiner, Holmes, Hoops, John, King, Kishman, Lampton, LaRe, Lett, Lorenz, Mathews, A., Mathews, T., McClain, McNally, Miller, J., Miller, K., Miller, M., Odioso, Oelslager, Peterson, Richardson, Ritter, Robb Blasdel, Roemer, Salvo, Santucci, Schmidt, Sigrist, Stewart, Sweeney, Synenberg, Thomas, C., Troy, Upchurch, Willis, Young**

---

To enact sections 4151.01, 4151.02, 4151.03, 1  
4151.04, 4151.05, 4151.06, and 4151.07 of the 2  
Revised Code to enact the E-Verify Workforce 3  
Integrity Act requiring certain construction 4  
industry employers to use E-verify and to 5  
sanction specified hiring practices in the 6  
industry. 7

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

**Section 1.** That sections 4151.01, 4151.02, 4151.03, 8  
4151.04, 4151.05, 4151.06, and 4151.07 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 4151.01.** As used in this chapter: 11

(A) "Alien" means an individual who is not a United States 12  
citizen or a United States national. 13

(B) "Business day" means a day of the week excluding 14  
Saturday, Sunday, and a legal holiday as defined under section 15

1.14 of the Revised Code. 16

(C) "Employee" means any individual who performs services 17  
for a contractor, subcontractor, or labor broker who satisfies 18  
both of the following conditions: 19

(1) The individual is subject to the contractor's, 20  
subcontractor's, or labor broker's direction and control, not 21  
only as to the result accomplished but also as to the details of 22  
how the work is performed; 23

(2) The individual receives compensation in the form of 24  
wages, salary, or any other form of remuneration in exchange for 25  
services rendered. 26

(D) "E-verify" means the employment verification program 27  
as jointly administered by the United States department of 28  
homeland security and the social security administration under 29  
section 101(a)(1) of the federal "Immigration Reform and Control 30  
Act of 1986," 8 U.S.C. 1324a, or any of its successor programs. 31

(E)(1) "Labor broker" means any individual or entity who 32  
hires an employee and supplies the employee's labor to a 33  
nonresidential construction contractor or a subcontractor, 34  
regardless of tier, through the use of a contract. 35

(2) "Labor broker" does not include any governmental 36  
entity or labor organization as defined in section 3517.01 of 37  
the Revised Code. 38

(F) "Nonresidential construction contractor" means any 39  
individual or entity that has responsibility for the means, 40  
method, and manner of construction, improvement, renovation, or 41  
repair on a nonresidential construction project with respect to 42  
one or more trades and who offers, identifies, advertises, or 43  
otherwise holds out or represents that the individual or entity 44

is permitted or qualified to perform or have responsibility for 45  
the means, method, and manner of construction, improvement, 46  
renovation, repair, or maintenance with respect to one or more 47  
trades on a nonresidential construction project. 48

(G) "Nonresidential construction project" means the 49  
construction or renovation of any building, highway, bridge, 50  
utility, or related infrastructure, but does not include any of 51  
the following: 52

(1) An industrialized unit, manufactured home, or a 53  
residential building as defined in section 3781.06 of the 54  
Revised Code; 55

(2) A building or structure that is incidental to the use 56  
of the land on which the building or structure is located for 57  
agricultural purposes as defined in section 3781.06 of the 58  
Revised Code; 59

(3) A mobile home as defined in section 4501.01 of the 60  
Revised Code. 61

(H) "Subcontractor" means any individual or entity who 62  
enters into a contract with a nonresidential construction 63  
contractor or another subcontractor, regardless of tier, to 64  
perform work on a nonresidential construction project. 65

(I) "Unauthorized alien" means an alien who is not 66  
authorized to be employed as determined in accordance with the 67  
federal "Immigration Reform and Control Act of 1986," 8 U.S.C. 68  
1324a. 69

**Sec. 4151.02.** (A) Except as provided in division (C) of 70  
this section, no nonresidential construction contractor, 71  
subcontractor, or labor broker shall fail to verify the 72  
employment eligibility of each employee hired to perform work on 73

a nonresidential construction project through the e-verify 74  
program. A nonresidential construction contractor shall use e- 75  
verify to confirm the identity and legal working status of each 76  
employee employed by the nonresidential construction contractor. 77  
A subcontractor shall use e-verify to confirm the identity and 78  
legal working status of each employee employed by the 79  
subcontractor. A labor broker shall use e-verify to confirm the 80  
identity and legal working status of each employee employed by 81  
the labor broker. 82

(B) A nonresidential construction contractor, 83  
subcontractor, or labor broker shall keep a record of the 84  
verification required by division (A) of this section for three 85  
years after the date of hire or one year after the date the 86  
employee's employment is terminated, whichever is later. 87

(C) A nonresidential construction contractor, 88  
subcontractor, or labor broker is not required to comply with 89  
division (A) of this section if both of the following apply: 90

(1) The nonresidential construction contractor, 91  
subcontractor, or labor broker has previously verified an 92  
employee's employment eligibility using e-verify. 93

(2) The employer is not required to verify or reverify the 94  
employee's eligibility to work under section 101(a)(1) of the 95  
federal "Immigration Reform and Control Act of 1986," 8 U.S.C. 96  
1324a(b) . 97

**Sec. 4151.03.** No nonresidential construction contractor, 98  
subcontractor, or labor broker shall continue to employ an 99  
individual after receiving a notice of final nonconfirmation for 100  
that individual from the e-verify program. For purposes of this 101  
section, a final nonconfirmation occurs when the contractor, 102

subcontractor, or labor broker receives a case result indicating 103  
that an employee's employment eligibility could not be confirmed 104  
and instructions that the contractor, subcontractor, or labor 105  
broker should close the e-verify case associated with the 106  
employee. 107

**Sec. 4151.04.** (A) (1) The attorney general shall prescribe 108  
a complaint form for an individual to allege a violation of 109  
section 4151.02 or 4151.03 of the Revised Code. The attorney 110  
general shall not require the complainant to list the 111  
complainant's social security number on the complaint form or to 112  
have the form notarized. A complainant shall submit the 113  
complaint to the attorney general. Except as provided in 114  
division (B) of this section, the attorney general shall 115  
investigate any violation alleged in a prescribed complaint form 116  
when the attorney general determines the complaint contains 117  
sufficient facts to reasonably conclude that a violation may 118  
have occurred. 119

(2) This section does not prohibit an individual from 120  
filing an anonymous complaint on a form other than the 121  
prescribed complaint form. Except as provided in division (B) of 122  
this section, the attorney general may, but is not required to, 123  
investigate a violation alleged in a form other than a 124  
prescribed form, provided the complaint contains sufficient 125  
facts to reasonably conclude that a violation may have occurred. 126

(B) The attorney general shall not investigate a complaint 127  
that is based solely on race, color, or national origin. 128

(C) Any local law enforcement officer may assist in 129  
investigating a complaint filed under this section. 130

(D) Except as provided in division (I) of this section, if 131

the attorney general conducts an investigation under this 132  
section and determines that reasonable evidence exists that a 133  
violation of section 4151.02 or 4151.03 of the Revised Code has 134  
occurred, the attorney general shall issue a notice of violation 135  
that does all of the following: 136

(1) Directs the contractor, subcontractor, or labor broker 137  
to provide satisfactory proof to the attorney general not later 138  
than ten days after the notice is issued that individuals 139  
employed by the contractor, subcontractor, or labor broker are 140  
authorized to be employed under the federal "Immigration Reform 141  
and Control Act of 1986," 8 U.S.C. 1324a; 142

(2) Specifies any penalty assessed under division (E) of 143  
this section based on the attorney general's determination; 144

(3) If the attorney general determined it is likely the 145  
contractor, subcontractor, or labor broker committed two or more 146  
willful violations of section 4151.02 or 4151.03 of the Revised 147  
Code, informs the contractor, subcontractor, or labor broker 148  
that the contractor, subcontractor, or labor broker is 149  
disqualified from bidding on or participating in any future 150  
state contract for a period not to exceed two years; 151

(4) Notifies the contractor, subcontractor, or labor 152  
broker of the contractor's, subcontractor's, or labor broker's 153  
right to request a hearing described in division (F) of this 154  
section. 155

(E) (1) Except as otherwise provided in this division, if 156  
the attorney general's investigation reveals one or more 157  
violations of section 4151.02 of the Revised Code, the attorney 158  
general shall assess a fine of two hundred fifty dollars for 159  
each violation against the contractor, subcontractor, or labor 160

broker. Except as otherwise provided in this division, if the 161  
attorney general's investigation reveals one or more violations 162  
of section 4151.03 of the Revised Code, the attorney general 163  
shall assess a fine of five thousand dollars for each violation 164  
against the contractor, subcontractor, or labor broker. 165

(2) Except as otherwise provided in this division, if the 166  
attorney general's investigation reveals one or more violations 167  
of 4151.02 of the Revised Code and the contractor, 168  
subcontractor, or labor broker has been ordered by the attorney 169  
general or a court to pay a fine under division (E) (1) of this 170  
section during the preceding three years, the attorney general 171  
shall assess a fine of one thousand dollars for each violation 172  
against the contractor, subcontractor, or labor broker. Except 173  
as provided in this division, if the attorney general's 174  
investigation reveals one or more violations of section 4151.03 175  
of the Revised Code and the contractor, subcontractor, or labor 176  
broker has been ordered by the attorney general or a court to 177  
pay a fine under division (E) (1) of this section during the 178  
preceding three years, the attorney general shall assess a fine 179  
of ten thousand dollars per violation against the contractor, 180  
subcontractor, or labor broker. 181

(3) If the attorney general's investigation reveals one or 182  
more violations of section 4151.02 of the Revised Code and the 183  
contractor, subcontractor, or labor broker has been ordered by 184  
the attorney general or a court to pay a fine under division (E) 185  
(2) of this section during the preceding three years, the 186  
attorney general shall assess a fine of one thousand five 187  
hundred dollars per violation against the contractor, 188  
subcontractor, or labor broker. If the attorney general's 189  
investigation reveals one or more violations of section 4151.03 190  
of the Revised Code and the contractor, subcontractor, or labor 191

broker has been ordered by the attorney general or a court to 192  
pay a fine under division (E) (2) of this section during the 193  
preceding three years, the attorney general shall assess a fine 194  
of twenty-five thousand dollars for each violation against the 195  
contractor, subcontractor, or labor broker. 196

(F) Notwithstanding the thirty-day period to request a 197  
hearing described in section 119.07 of the Revised Code, a 198  
contractor, subcontractor, or labor broker may request an 199  
adjudicatory hearing not more than ten business days after being 200  
served a notice of violation under division (D) of this section. 201  
A contractor, subcontractor, or labor broker shall send the 202  
request to the attorney general, who shall forward the request 203  
to the director of commerce. The director, or the director's 204  
designee, shall conduct a hearing under this division. Except as 205  
provided in this division, the director or designee shall comply 206  
with Chapter 119. of the Revised Code. A determination made by 207  
the director or the director's designee is a final order that 208  
may be appealed under section 119.12 of the Revised Code. 209

If a contractor, subcontractor, or labor broker fails to 210  
request a hearing within the time specified in this division, a 211  
notice of violation issued under division (D) of this section 212  
becomes an enforceable order against the contractor, 213  
subcontractor, or labor broker. 214

(G) (1) If a notice of violation that includes a 215  
disqualification described in division (D) (3) of this section 216  
becomes an enforceable order under division (F) of this section, 217  
the attorney general shall provide a copy of the order to the 218  
director of administrative services. The director shall add the 219  
contractor, subcontractor, or labor broker to the list 220  
maintained by the director under division (C) (1) of section 221

4151.05 of the Revised Code. 222

Except as provided in division (G) (2) of this section, 223  
after the period of disqualification in the order ends, the 224  
contractor, subcontractor, or labor broker may be eligible to 225  
bid for and participate in state contracts if the contractor, 226  
subcontractor, or labor broker files a sworn affidavit with the 227  
director of administrative services stating that the period of 228  
disqualification has ended and that the contractor, 229  
subcontractor, or labor broker has not violated section 4151.02 230  
or 4151.03 of the Revised Code during the period of 231  
disqualification. 232

(2) The director shall not remove a contractor, 233  
subcontractor, or labor broker from the list maintained under 234  
division (C) (1) of section 4151.05 of the Revised Code if the 235  
contractor, subcontractor, or labor broker has not paid a fine 236  
assessed under this section. 237

(H) If a contractor, subcontractor, or labor broker fails 238  
to comply with an order that has become enforceable under 239  
division (F) of this section within thirty days after the order 240  
is enforceable, the attorney general shall bring a civil action 241  
against the contractor, subcontractor, or labor broker in 242  
accordance with section 4151.05 of the Revised Code. In the 243  
action, the attorney general also may present evidence that the 244  
contractor, subcontractor, or labor broker violated section 245  
4151.06 of the Revised Code. 246

(I) The attorney general shall not issue a notice of 247  
violation under this section or bring a civil action under 248  
section 4151.06 of the Revised Code if a violation of section 249  
4151.02 or 4151.03 of the Revised Code was the result of an 250  
isolated technical error or a malfunction in the e-verify 251

program. 252

Sec. 4151.05. (A) If a contractor, subcontractor, or labor 253  
broker fails to comply with an order that has become enforceable 254  
against the contractor, subcontractor, or labor broker under 255  
division (F) of section 4151.04 of the Revised Code, the 256  
attorney general shall bring a civil action against the 257  
contractor, subcontractor, or labor broker in the court of 258  
common pleas of the county where the contractor, subcontractor, 259  
or labor broker is located or does business or in the court of 260  
common pleas of the county where the violation is alleged to 261  
have occurred. 262

(B) (1) If the court determines that a contractor, 263  
subcontractor, or labor broker violated section 4151.02 or 264  
4151.03 of the Revised Code, the court shall do both of the 265  
following: 266

(a) Order the contractor, subcontractor, or labor broker 267  
to pay any portion of the penalty imposed by the attorney 268  
general that the court determines to have been validly imposed 269  
based on the evidence presented plus an additional one thousand 270  
dollars for each violation; 271

(b) Order that the contractor, subcontractor, or labor 272  
broker is not eligible to bid for or participate in any future 273  
state contract for a period of up to two years. 274

(2) The court shall provide a copy of an order issued 275  
under division (B) (1) of this section to the director of 276  
administrative services. 277

(3) After the period of disqualification described in 278  
division (B) (1) (b) of this section has elapsed, a contractor, 279  
subcontractor, or labor broker that has been ordered ineligible 280

may be eligible to bid for and participate in state contracts if 281  
the contractor, subcontractor, or labor broker files a sworn 282  
affidavit with the director that the period of disqualification 283  
has elapsed and that the contractor, subcontractor, or labor 284  
broker has not violated section 4151.02 or 4151.03 of the 285  
Revised Code during that period. 286

(C) (1) The director shall maintain a list of all 287  
contractors, subcontractors, and labor brokers ineligible to bid 288  
for or participate in any state contract for a period of two 289  
years under division (B) (1) (b) of this section. Except as 290  
provided in division (C) (2) of this section, the director shall 291  
remove a contractor, subcontractor, or labor broker from the 292  
list when the two-year period ends. The director also shall 293  
maintain a record of all affidavits filed with the director 294  
under division (B) (3) of this section. 295

(2) The director shall not remove a contractor, 296  
subcontractor, or labor broker from the list maintained under 297  
division (C) (1) of this section if the contractor, 298  
subcontractor, or labor broker has not paid a fine ordered under 299  
this section. 300

(D) The e-verify enforcement fund is created in the state 301  
treasury. Fines collected pursuant to this chapter shall be 302  
deposited to the credit of the fund. The attorney general shall 303  
use the fund to administer and enforce this chapter. 304

**Sec. 4151.06.** (A) If a court, pursuant to an action 305  
brought under section 4151.05 of the Revised Code, determines 306  
that a nonresidential construction contractor, subcontractor, or 307  
labor broker has knowingly employed an unauthorized alien, the 308  
court shall order each appropriate agency to permanently revoke 309  
any license issued by the agency and held by the nonresidential 310

construction contractor, subcontractor, or labor broker specific 311  
to the business location where the unauthorized alien performed 312  
work. If the nonresidential construction contractor, 313  
subcontractor, or labor broker does not hold a license specific 314  
to the business location where the unauthorized alien performed 315  
work, but a license is necessary to operate the nonresidential 316  
construction contractor's, subcontractor's, or labor broker's 317  
business in general, the court shall order the appropriate 318  
agency to permanently revoke all licenses issued by that agency 319  
that are held by the nonresidential construction contractor, 320  
subcontractor, or labor broker at the nonresidential 321  
construction contractor's, subcontractor's, or labor broker's 322  
primary place of business. On receipt of the order and 323  
notwithstanding any other law to the contrary, the appropriate 324  
agency immediately shall revoke the licenses. 325

(B) For purposes of determining whether an employee is an 326  
unauthorized alien, a court shall consider only a determination 327  
with respect to that alien's immigration status made by the 328  
federal government pursuant to the federal "Omnibus Consolidated 329  
Appropriations Act, 1997," 8 U.S.C. 1373(c). The federal 330  
government's determination creates a rebuttable presumption of 331  
the alien's lawful status. The court may take judicial notice of 332  
the federal government's determination and may request the 333  
federal government to provide automated or testimonial 334  
verification pursuant to the federal "Omnibus Consolidated 335  
Appropriations Act, 1997," 8 U.S.C. 1373(c). 336

**Sec. 4151.07.** (A) No state agency shall fail to include in 337  
a contract for the construction or renovation of a 338  
nonresidential construction project provisions requiring 339  
compliance with sections 4151.02 and 4151.03 of the Revised 340  
Code. 341

(B) The attorney general shall conduct periodic reviews of 342  
state agencies to ensure that state agencies are including 343  
within their contracts for the construction or renovation of 344  
nonresidential construction projects provisions that comply with 345  
division (A) of this section. 346

(C) The attorney general shall notify a state agency and 347  
the director of administrative services of any contract for the 348  
construction or renovation of a nonresidential construction 349  
project the attorney general determines violates division (A) of 350  
this section. In the notice, the attorney general shall inform 351  
the state agency and the director of the state agency's duty 352  
under division (A) of this section. 353

(D) Each state agency found in violation of division (A) 354  
of this section shall, for one year after the attorney general 355  
provides the notice required under division (C) of this section, 356  
submit any contract for the construction or renovation of a 357  
nonresidential construction project to the director of 358  
administrative services. The director shall promptly review the 359  
proposed contract and determine whether the state agency 360  
complied with division (A) of this section. The director shall 361  
notify the agency of the director's determination and, in the 362  
event the proposed contract does not contain the required 363  
provisions, instruct the state agency to include the provisions 364  
in a revised draft of the proposed contract. 365

**Section 2.** This act shall be known as the E-Verify 366  
Workforce Integrity Act. 367