

As Reported by the Senate Armed Services, Veterans Affairs and Public Safety Committee

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Sub. H. B. No. 251

Representative Willis

Cosponsors: Representatives Deeter, Fischer, Holmes, Hiner, Newman, Bird, Brennan, Claggett, Daniels, Dovilla, Hall, D., Hall, T., Lampton, Lear, Mathews, T., Miller, J., Miller, M., Mohamed, Schmidt, Sigrist, Stephens, Synenberg, Thomas, C., Young

To amend sections 4561.01 and 4561.11 and to enact 1
sections 4561.60, 4561.61, 4561.62, 4561.63, 2
4561.64, and 5501.84 of the Revised Code to 3
establish requirements related to the use and 4
purchase of an unmanned aerial vehicle by law 5
enforcement and other public entities and to 6
expressly incorporate additional aviation 7
facilities into the Aeronautics Law. 8

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

Section 1. That sections 4561.01 and 4561.11 be amended 9
and sections 4561.60, 4561.61, 4561.62, 4561.63, 4561.64, and 10
5501.84 of the Revised Code be enacted to read as follows: 11

Sec. 4561.01. As used in sections 4561.01 to 4561.27 of 12
the Revised Code: 13

(A) "Aviation" means transportation by aircraft; operation 14
of aircraft; the establishment, operation, maintenance, repair, 15
and improvement of airports, seaplane bases, heliports, 16

vertiports, spaceports, landing fields, and other air navigation 17
facilities; and all other activities connected therewith or 18
incidental thereto. 19

(B) "Aircraft" means any manned device used or intended 20
for flight in the air. "Aircraft" does not include an ultralight 21
vehicle as defined by 14 C.F.R. part 103. 22

(C) "Airport" means any location either on land or water 23
which is used for the landing and taking off of aircraft. 24

(D) "Landing field" means any location either on land or 25
water of such size and nature as to permit the landing or taking 26
off of aircraft with safety, and used for that purpose but not 27
equipped to provide for the shelter, supply, or care of 28
aircraft. 29

(E) "Air navigation facility" means any facility used, 30
available for use, or designed for use in aid of navigation of 31
aircraft, including airports, landing fields, facilities for the 32
servicing of aircraft or for the comfort and accommodation of 33
air travelers, and any structures, mechanisms, lights, beacons, 34
marks, communicating systems, or other instrumentalities or 35
devices used or useful as an aid to the safe taking off, 36
navigation, and landing of aircraft, or to the safe and 37
efficient operation or maintenance of an airport or landing 38
field, and any combination of such facilities. 39

(F) "Air navigation hazard" means any structure, object of 40
natural growth, or use of land, that obstructs the air space 41
required for the flight of aircraft in landing or taking off at 42
any airport or landing field, or that otherwise is hazardous to 43
such landing or taking off. 44

(G) "Air navigation," "navigation of aircraft," or 45

"navigate aircraft" means the operation of aircraft in the air space over this state. 46
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(H) "Airperson" means any individual who, as the person in command, or as pilot, mechanic, or member of the crew, engages in the navigation of aircraft. 48
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(I) "Airway" means a route in the air space over and above the lands or waters of this state, designated by the Ohio aviation board as a route suitable for the navigation of aircraft. 51
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(J) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof. 55
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(K) "Government agency" means a state agency, state institution of higher education, regional port authority, or any other political subdivision of the state, or the federal government or other states. 59
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(L) "Heliport" means the area of land, water, or a structure that is used or intended to be used for the landing and takeoff of helicopters, including any appurtenant buildings and facilities. 63
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(M) "Vertiport" means the identifiable ground or elevated areas, including the facilities thereon, that are designed to be used for the landing and takeoff of rotorcraft, tilt-rotor aircraft, or other powered lift aircraft. 67
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(N) "Spaceport" means any facility in the state at which space vehicles may be landed or launched, including all facilities and support infrastructure related to the launch, landing, and payload processing. 71
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(O) "Seaplane base" means a designated area of water used 75
or intended to be used for the landing and takeoff of seaplanes 76
including shore side access and any appurtenant buildings and 77
facilities. 78

Sec. 4561.11. (A) All airports, seaplane bases, heliports, 79
vertiports, spaceports, landing fields, and landing areas shall 80
be approved by the department of transportation before being 81
used for commercial purposes. The department may issue a 82
certificate of approval in each case. The department shall 83
require that a complete plan of such airport, seaplane base, 84
heliport, vertiport, spaceport, landing field, or landing area 85
be filed with it before granting or issuing such approval; 86
provided that in no case in which the department licenses or 87
certifies an airport, seaplane base, heliport, vertiport, 88
spaceport, landing field, or landing area constructed, 89
maintained, or supported, in whole or in part, by public funds, 90
under sections 4561.01 to 4561.151 of the Revised Code, shall 91
the public be deprived of the use thereof or its facilities for 92
aviation purposes as fully and equally as all other parties. 93

(B) In any case in which the department rejects or 94
disapproves an application to operate an airport, seaplane base, 95
heliport, vertiport, spaceport, landing field, or landing area, 96
or in any case in which the department issues an order requiring 97
certain things to be done before approval, it shall set forth 98
its reasons therefor and shall state the requirements to be met 99
before such approval will be given or such order modified or 100
changed. In any case in which the department considers it 101
necessary, it may order the closing of any airport, seaplane 102
base, heliport, vertiport, spaceport, landing field, or landing 103
area for commercial purposes until the requirements of the order 104
made by the department are complied with. 105

(C) Appeal from any action or decision of the department 106
in any such matter shall be made in accordance with sections 107
119.01 to 119.13 of the Revised Code. 108

(D)(1) The department shall require that any person 109
engaged within this state in operating aircraft, in any form of 110
navigation, shall be the holder of a currently effective 111
aviator's license as required and issued by the ~~civil-~~ 112
aeronautics administration federal aviation administration. 113

(2) The aviator's license, when required by this section, 114
shall be kept in the personal possession of the pilot when the 115
pilot is operating aircraft within this state, and shall be 116
presented for inspection upon the request of any passenger, any 117
authorized representative of the department, or any official 118
manager or person in charge of any airport, seaplane base, 119
heliport, vertiport, spaceport, landing field, or area in this 120
state upon which the pilot lands. 121

~~(B)~~ (E) Whoever violates this section shall be fined not 122
more than five hundred dollars, imprisoned not more than ninety 123
days, or both. 124

Sec. 4561.60. As used in sections 4561.60 to 4561.64 of 125
the Revised Code: 126

(A) "Surveillance data" means the data collected by an 127
unmanned aerial vehicle during its flight, including images, 128
videos, or other forms of observation recording. 129

(B) "Flight data" means the data pertaining to an unmanned 130
aerial vehicle's flight from both the original plan for the 131
flight and the actual flight that was taken, including the 132
flight's duration, path, and mission objectives. 133

(C) "Law enforcement agency" means a government entity 134

<u>that employs peace officers to perform law enforcement duties.</u>	135
<u>(D) "Peace officer" has the same meaning as in section</u>	136
<u>2935.01 of the Revised Code.</u>	137
<u>(E) "Unmanned aerial vehicle" and "unmanned aerial vehicle</u>	138
<u>system" have the same meanings as in section 4561.50 of the</u>	139
<u>Revised Code.</u>	140
Sec. 4561.61. <u>(A) If a peace officer would otherwise be</u>	141
<u>required to obtain a search warrant to physically enter a house</u>	142
<u>or a place in person to conduct a search, the peace officer or</u>	143
<u>applicable law enforcement agency shall obtain a search warrant</u>	144
<u>to do either of the following to collect surveillance data</u>	145
<u>concerning the house or place in lieu of the in-person search:</u>	146
<u>(1) Enter the interior of the house or place through the</u>	147
<u>use of an unmanned aerial vehicle system;</u>	148
<u>(2) Observe the interior of the house or place through the</u>	149
<u>use of an unmanned aerial vehicle system.</u>	150
<u>(B) (1) Except as provided in division (B) (2) of this</u>	151
<u>section, surveillance data, and any information obtained through</u>	152
<u>that data, is not admissible in a criminal proceeding if it was</u>	153
<u>gathered under circumstances that require a search warrant under</u>	154
<u>division (A) of this section and a search warrant was not</u>	155
<u>obtained by either the peace officer or the law enforcement</u>	156
<u>agency.</u>	157
<u>(2) Surveillance data, and any information obtained</u>	158
<u>through that data, that was gathered under the circumstances</u>	159
<u>specified in section 4561.62 of the Revised Code may be admitted</u>	160
<u>in a criminal proceeding without a peace officer or law</u>	161
<u>enforcement agency obtaining a search warrant.</u>	162

<u>Sec. 4561.62. A law enforcement agency may use an unmanned</u>	163
<u>aerial vehicle for surveillance without a search warrant as</u>	164
<u>follows:</u>	165
<u>(A) To patrol within fifty miles of a national border for</u>	166
<u>purposes of policing that border to prevent or deter the illegal</u>	167
<u>entry of any individual, illegal substance, or contraband;</u>	168
<u>(B) When exigent circumstances exist, including to</u>	169
<u>photograph and record evidence that is at imminent risk of</u>	170
<u>destruction;</u>	171
<u>(C) Before, during, or immediately after an environmental</u>	172
<u>or weather-related catastrophe to allow the agency to better</u>	173
<u>preserve public safety, to protect property, to survey</u>	174
<u>environmental damage in order to determine if a state of</u>	175
<u>emergency should be declared, or to conduct surveillance for the</u>	176
<u>assessment and evaluation of damage, erosion, flood, or</u>	177
<u>contamination;</u>	178
<u>(D) To examine the scene of a vehicle accident, monitor</u>	179
<u>traffic congestion, or conduct other forms of traffic law</u>	180
<u>enforcement under Chapter 4511. or 4513. of the Revised Code or</u>	181
<u>an equivalent municipal ordinance that does not require a peace</u>	182
<u>officer to obtain a search warrant in advance of conducting such</u>	183
<u>enforcement;</u>	184
<u>(E) To photograph and record evidence at a crime scene;</u>	185
<u>(F) To operate in navigable airspace, in a physically</u>	186
<u>nonintrusive manner, in order to observe what is otherwise</u>	187
<u>visible to the naked eye;</u>	188
<u>(G) To collect information from a public area if there is</u>	189
<u>a reasonable suspicion of criminal activity in that area;</u>	190

(H) To conduct a threat assessment prior to a large or 191
populous event where law enforcement anticipates general public 192
safety being a risk factor; 193

(I) For research, education, training, testing, or 194
development efforts related to unmanned aerial vehicles or 195
unmanned aerial vehicle systems, their technologies, and their 196
potential applications, undertaken by or in conjunction with a 197
school, an institution of higher education, or a public or 198
private collaborator. 199

Sec. 4561.63. (A) A law enforcement agency shall not use, 200
authorize the use of, or issue a permit for the use of, an 201
unmanned aerial vehicle armed with any lethal weapon. 202

(B) A law enforcement agency shall not authorize the use 203
of or issue a permit for the use of an unmanned aerial vehicle 204
for the surveillance of one private individual by another 205
private individual unless the agency obtains one of the 206
following: 207

(1) The express, informed consent of the individual being 208
surveilled by the unmanned aerial vehicle; 209

(2) The express, informed consent of the owner of the real 210
property on which the individual being surveilled by the 211
unmanned aerial vehicle is present. 212

Sec. 4561.64. (A) A law enforcement agency shall do both 213
of the following relative to its use of unmanned aerial 214
vehicles: 215

(1) Ensure that the agency and any applicable peace 216
officer employed by the agency documents all flight data for 217
each surveillance flight of an unmanned aerial vehicle taken by 218
or on behalf of the agency; 219

<u>(2) Verify that the flight data for each surveillance</u>	220
<u>flight is accurate and complete.</u>	221
<u>(B) A law enforcement agency shall retain any surveillance</u>	222
<u>data or flight data that is relevant to an ongoing</u>	223
<u>investigation, trial, or litigation until it is determined that</u>	224
<u>such data is no longer necessary for that purpose.</u>	225
<u>(C) (1) Except as provided by division (C) (2) of this</u>	226
<u>section, a person accused of a crime that includes evidence</u>	227
<u>gathered through the use of an unmanned aerial vehicle may</u>	228
<u>obtain, via the subpoena and discovery process available during</u>	229
<u>court proceedings, information relating to that person acquired</u>	230
<u>in the course of surveillance of that person by the unmanned</u>	231
<u>aerial vehicle.</u>	232
<u>(2) The operational capabilities of the unmanned aerial</u>	233
<u>vehicle and unmanned aerial vehicle system or other operational</u>	234
<u>information strictly related to the technical conduct and</u>	235
<u>physical security of the surveillance operation is not evidence</u>	236
<u>subject to subpoena or discovery under division (C) (1) of this</u>	237
<u>section.</u>	238
<u>(D) The flight and surveillance data required and retained</u>	239
<u>in accordance with this section is a public record for purposes</u>	240
<u>of section 149.43 of the Revised Code, unless the content of</u>	241
<u>that flight data or surveillance data qualifies for an exemption</u>	242
<u>under that section.</u>	243
<u>Sec. 5501.84. (A) As used in this section:</u>	244
<u>(1) "Foreign adversary" means a country listed on the</u>	245
<u>registry published by the secretary of state under division (C)</u>	246
<u>of this section.</u>	247
<u>(2) "Public entity" means the state and all political</u>	248

subdivisions of the state, including all boards, authorities, 249
commissions, agencies, committees, councils, state colleges or 250
universities, and other state entities created by the Ohio 251
Constitution or the Revised Code. 252

(3) "Unmanned aerial vehicle system" has the same meaning 253
as in section 4561.50 of the Revised Code. 254

(B) (1) Beginning on and after the effective date of this 255
section, a public entity shall not purchase or otherwise acquire 256
an unmanned aerial vehicle system that is manufactured or 257
assembled by a foreign adversary. 258

(2) No state funds shall be used in connection with 259
unmanned aerial vehicle systems manufactured or assembled by a 260
foreign adversary that are purchased on or after the effective 261
date of this section, including state funds that are awarded 262
through a contract, grant, or cooperative agreement or that are 263
otherwise made available. 264

(3) A public entity shall not operate an unmanned aerial 265
vehicle system manufactured or assembled by a foreign adversary 266
that is purchased on or after the effective date of this 267
section. 268

(C) Division (B) of this section does not apply if either 269
federal law or federal regulations allow for the continued 270
purchase and operation of an unmanned aerial vehicle system or 271
an unmanned aerial vehicle system's component parts that are 272
manufactured or assembled by a foreign adversary. 273

(D) (1) The secretary of state shall compile and update at 274
least one time every six months a registry of foreign 275
adversaries and other persons that, based on the best 276
information available to the secretary of state, constitute a 277

threat to the agricultural production, critical infrastructure, 278
security, or military defense of this state or the United 279
States. 280

(2) The registry shall be published on the secretary of 281
state's web site. 282

(3) The secretary of state shall consult all of the 283
following in compiling the registry: 284

(a) The list of persons determined by the secretary of 285
commerce of the United States to have engaged in a long-term 286
pattern or serious instances of conduct significantly adverse to 287
the national security of the United States or the security and 288
safety of United States persons and, therefore, to constitute 289
foreign adversaries for the purposes of Executive Order 13873, 290
issued by the president of the United States on May 15, 2019; 291

(b) The terrorist exclusion list compiled by the secretary 292
of state of the United States in consultation with the attorney 293
general of the United States under 8 U.S.C. 1182; 294

(c) The list of countries determined by the secretary of 295
state of the United States that have repeatedly provided support 296
for acts of international terrorism under 50 U.S.C. 4813(c) and 297
22 U.S.C. 2780(d); 298

(d) The list of individuals and entities designated by or 299
in accordance with Executive Order 13224, issued by the 300
president of the United States on September 23, 2021, or 301
Executive Order 13268, issued by the president of the United 302
States on July 2, 2002. 303

(4) The secretary of state shall not include on the 304
registry any person that does not appear on at least one of the 305
federal lists described in division (D) (3) of this section. 306

Section 2. That existing sections 4561.01 and 4561.11 of 307
the Revised Code are hereby repealed. 308

Section 3. Section 5501.84 of the Revised Code, as enacted 309
by this act, takes effect forty-eight months after the effective 310
date of this section. 311