

As Introduced

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Representatives Hiner, White, E.

**Cosponsors: Representatives Williams, Johnson, Ferguson, Fischer, Sweeney,
Miller, K., Brennan, Gross, Robb Blasdel, Demetriou**

To amend sections 153.011, 153.99, 3333.071, and 5525.21 of the Revised Code to require iron or steel that is produced in the United States be used on projects supported by state funds.

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

Section 1. That sections 153.011, 153.99, 3333.071, and 5525.21 of the Revised Code be amended to read as follows:

Sec. 153.011. (A) Except as provided in division (D) of this section, whenever any building ~~or~~, structure, or infrastructure, including highway improvements, and utility infrastructure improvement projects involving water works or sewage disposal, in whole or in part supported by state ~~capital~~ funds, ~~including moneys from the education facilities trust fund,~~ is to be erected or constructed, or whenever additions, alterations, or structural or other improvements are to be made, if any iron or steel products are to be purchased for or provided in the construction, maintenance, repair, or improvement project, only iron or steel products produced in the United States as defined in division ~~(F)~~ (G) of this section shall be purchased for or provided in the project.

(B) (1) No person shall purchase or provide iron or steel 20
products in violation of division (A) of this section. 21

(2) Notwithstanding division (B) of section 153.99 of the 22
Revised Code, no person who purchases iron or steel products in 23
violation of division (A) of this section shall be held liable 24
in a civil action commenced under division (C) of this section, 25
or pay a civil penalty under division (B) of section 153.99 of 26
the Revised Code, if that person can demonstrate the person's 27
compliance with division (E) of this section. 28

(C) Whenever the executive director of the Ohio facilities 29
construction commission has reasonable cause to believe that any 30
person has purchased or provided iron or steel products in 31
violation of division (A) of this section, the executive 32
director shall conduct an investigation to determine whether the 33
person has purchased or provided or is purchasing or providing_ 34
iron or steel products in violation of division (A) of this 35
section. Upon conducting the investigation, if the executive 36
director finds that the person has purchased or provided or is 37
purchasing or providing iron or steel products in violation of 38
division (A) of this section, the executive director shall 39
request the attorney general to commence a civil action under 40
this section against the person for violating division (A) of 41
this section. The remedy provided in this section is concurrent 42
with any other remedy provided in this chapter, and the 43
existence or exercise of one remedy does not prevent the 44
exercise of any other. Upon collection of the civil penalty 45
under division (B) of section 153.99 of the Revised Code, 46
pursuant to an action authorized under this section, the 47
attorney general shall pay the money collected to the treasurer 48
of the board of education of the city, local, or exempted 49
village school district and joint vocational school district, if 50

one exists, in which the construction, repair, or improvement 51
project for which the iron or steel products used in violation 52
of division (A) of this section is located. The treasurer shall 53
deposit the civil penalty in equal amounts into the school 54
district's general fund and the joint vocational school 55
district's general fund. If a joint vocational school district 56
does not exist where the violation occurred, then the entire sum 57
of the civil penalty shall be deposited into the school 58
district's general fund. 59

(D) Pursuant to section 5525.21 of the Revised Code, the 60
director of transportation may authorize the purchase or 61
provision or both of a minimal amount of foreign iron or steel 62
products for use in contracts for public bridge projects. 63

The executive director of the Ohio facilities construction 64
commission may waive the requirements of division (A) of this 65
section if the executive director determines that either 66
division (A) or (B) of section 5525.21 of the Revised Code is 67
true in connection with a public bridge project. The executive 68
director shall issue this determination in writing. 69

(E) The following notice shall be included in boldface 70
type and capital letters in all bid notifications and 71
specifications between all parties to any contract authorized 72
under Chapter 153. of the Revised Code or subject to this 73
section and section 153.99 of the Revised Code: "Domestic iron 74
and steel use requirements as specified in section 153.011 of 75
the Revised Code apply to this project. Copies of section 76
153.011 of the Revised Code can be obtained from the office of 77
the Ohio facilities construction commission." 78

(F) Rules adopted by the director of administrative 79
services, under division (B) of section 125.09 of the Revised 80

Code, shall prescribe criteria and procedures for use by all 81
state agencies in giving a preference for iron or steel products 82
produced in the United States as required by this section. The 83
rules shall be consistent with the American iron and steel 84
preference standard established in the federal "Safe Drinking 85
Water Act," 42 U.S.C. 300j-12(a) (4) (C). 86

(G) As used in this section: 87

(1) ~~"Steel~~ Iron or steel products" means ~~products rolled,~~ 88
~~formed, shaped, drawn, extruded, forged, cast, fabricated or~~ 89
~~otherwise similarly processed, or processed by a combination of~~ 90
~~two or more of such operations, and used for load-bearing~~ 91
~~structural purposes, from steel made in the United States by the~~ 92
~~open hearth, basic oxygen, electric furnace, bessemer or other~~ 93
~~steel making process~~ any product made primarily of iron or steel, 94
including, but not limited to, lined or unlined pipes and 95
fittings; bars and rods; wire, wire ropes, and link chains; 96
forgings; grating and drainage products; access covers, hatches, 97
manhole covers, and other castings; hydrants; electric 98
transmission and distribution poles; tanks; flanges; pipe clamps 99
and restraints; valves; structural steel and other steel mill 100
products; materials made primarily of iron or steel within 101
precast concrete; and other construction materials made 102
primarily of iron or steel. 103

(2) "United States" means the United States of America and 104
includes all territory, continental or insular, subject to the 105
jurisdiction of the United States. 106

(3) "Made primarily of iron or steel" means composed 107
primarily of greater than fifty per cent iron or steel measured 108
by component cost, volume, or weight. 109

(4) "Produced in the United States" means that, with 110
respect to iron and steel, all manufacturing processes, from the 111
initial melting stage, occur in the United States, other than 112
metallurgical processes to refine steel additives. 113

Sec. 153.99. (A) Whoever violates section 153.58 of the 114
Revised Code shall be fined not more than one thousand dollars. 115

(B) A person who purchases or provides iron or steel 116
products in violation of division (A) of section 153.011 of the 117
Revised Code shall pay a civil penalty equal to one and one-half 118
times the purchase price of the iron or steel products purchased 119
or provided in violation of that section. 120

Sec. 3333.071. (A) Notwithstanding section 3345.16 of the 121
Revised Code, no expenditure shall be made for land for higher 122
education purposes by public institutions of higher education or 123
agents of such institutions from any fund without the approval 124
of the chancellor of higher education and the controlling board. 125
No state appropriation for capital improvements shall be 126
released by the controlling board for the purchase of land or 127
buildings from any organization or corporation which has been 128
established to benefit or assist the institution, except that 129
such releases may be made if the land is to be used for a 130
currently state-financed improvement. 131

(B) Any state institution of higher education project that 132
is supported in whole or in part by state funds shall comply 133
with section 153.011 of the Revised Code. 134

Sec. 5525.21. In conjunction with the requirements of 135
section 153.011 of the Revised Code, the director of 136
transportation may, in connection with any bridge project for 137
which a contract has been entered into, authorize in writing the 138

use of a minimal amount of foreign iron or steel products if 139
either of the following is true: 140

(A) The cost for each contract item used does not exceed 141
one-tenth of one per cent of the total contract cost, or two 142
thousand five hundred dollars, whichever is greater. For the 143
purposes of this section, the cost is the value of the iron or 144
steel product as delivered to the project. 145

(B) The director determines that specified iron or steel 146
materials are not produced in the United States in sufficient 147
quantity or otherwise are not reasonably available to meet 148
contract requirements. 149

Section 2. That existing sections 153.011, 153.99, 150
3333.071, and 5525.21 of the Revised Code are hereby repealed. 151