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Representatives Hiner, White, E.

Cosponsors: Representatives Williams, Johnson, Ferguson, Fischer, Sweeney, Miller, K., Brennan, Gross, Robb Blasdel, Demetriou, Mathews, T., Abdullahi, Abrams, Baker, Barhorst, Bird, Brent, Brewer, Brownlee, Bryant Bailey, Click, Cockley, Daniels, Dovilla, Ghanbari, Glassburn, Grim, Hall, T., Holmes, Hoops, Isaacsohn, Jarrells, King, Kishman, Klopfenstein, Lampton, LaRe, Lawson-Rowe, Lett, Manning, Mathews, A., McNally, Miller, J., Mohamed, Plummer, Richardson, Russo, Salvo, Santucci, Sigrist, Sims, Stephens, Swearingen, Synenberg, Thomas, C., Tims, Troy, Upchurch, White, A., Willis, Young

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 for permanent incorporation in the construction, 16
maintenance, repair, or improvement project, only iron or steel 17
products produced in the United States as defined in division 18
~~(F)~~(G) of this section shall be purchased ~~for~~ or provided for 19
permanent incorporation in the project. 20

(B) (1) No person shall purchase or provide iron or steel 21
products in violation of division (A) of this section. 22

(2) Notwithstanding division (B) of section 153.99 of the 23
Revised Code, no person who purchases iron or steel products in 24
violation of division (A) of this section shall be held liable 25
in a civil action commenced under division (C) of this section, 26
or pay a civil penalty under division (B) of section 153.99 of 27
the Revised Code, if that person can demonstrate the person's 28
compliance with division (E) of this section. 29

(C) Whenever the executive director of the Ohio facilities 30
construction commission has reasonable cause to believe that any 31
person has purchased or provided iron or steel products in 32
violation of division (A) of this section, the executive 33
director shall conduct an investigation to determine whether the 34
person has purchased or provided or is purchasing or providing_ 35
iron or steel products in violation of division (A) of this 36
section. Upon conducting the investigation, if the executive 37
director finds that the person has purchased or provided or is 38
purchasing or providing iron or steel products in violation of 39
division (A) of this section, the executive director shall 40
request the attorney general to commence a civil action under 41
this section against the person for violating division (A) of 42
this section. The remedy provided in this section is concurrent 43
with any other remedy provided in this chapter, and the 44
existence or exercise of one remedy does not prevent the 45

exercise of any other. Upon collection of the civil penalty 46
under division (B) of section 153.99 of the Revised Code, 47
pursuant to an action authorized under this section, the 48
attorney general shall pay the money collected to the treasurer 49
of the board of education of the city, local, or exempted 50
village school district and joint vocational school district, if 51
one exists, in which the construction, repair, or improvement 52
project for which the iron or steel products used in violation 53
of division (A) of this section is located. The treasurer shall 54
deposit the civil penalty in equal amounts into the school 55
district's general fund and the joint vocational school 56
district's general fund. If a joint vocational school district 57
does not exist where the violation occurred, then the entire sum 58
of the civil penalty shall be deposited into the school 59
district's general fund. 60

~~(D)~~(D) (1) Pursuant to section 5525.21 of the Revised Code, 61
the director of transportation may authorize the purchase or 62
provision or both of a minimal amount of foreign iron or steel 63
products for use in contracts for public bridge projects. 64

The executive director of the Ohio facilities construction 65
commission may waive the requirements of division (A) of this 66
section if the executive director determines that either 67
division (A) or (B) of section 5525.21 of the Revised Code is 68
true in connection with a public bridge project. The executive 69
director shall issue this determination in writing. 70

(2) (a) Notwithstanding rules adopted by the director of 71
administrative services under division (B) of section 125.09 of 72
the Revised Code, the state agency that supports a project 73
described in division (A) of this section with state funds may, 74
except with respect to public bridge projects described under 75

division (D) (1) of this section, waive the requirements of 76
division (A) of this section if any of the following apply: 77

(i) Applying the requirements of division (A) of this 78
section would be inconsistent with the public interest; 79

(ii) Iron or steel products are not produced in the United 80
States in sufficient and reasonably available quantities and of 81
a satisfactory quality; 82

(iii) Inclusion of iron or steel products produced in the 83
United States will increase the cost of the overall project by 84
more than twenty-five per cent. 85

(b) (i) A waiver under division (D) (2) (a) of this section 86
shall be issued in writing and shall include an explanation of 87
the applicability of one or more of the factors listed under 88
division (D) (2) (a) of this section. 89

(ii) The Ohio facilities construction commission shall 90
create and make available a standardized form that state 91
agencies may use to issue waivers pursuant to division (D) (2) (b) 92
(i) of this section. 93

(3) Except as otherwise provided under division (D) (1) of 94
this section, the purchase or provision of iron or steel 95
products not produced in the United States is not prohibited by 96
this section if either of the following is true: 97

(a) The iron or steel products not produced in the United 98
States are not separately identified in the project 99
specifications, and the cost of iron or steel products not 100
produced in the United States does not exceed one-tenth of one 101
per cent of the project's total iron and steel material costs or 102
two thousand five hundred dollars, whichever is greater. 103

(b) The iron or steel product not produced in the United States is a component comprising five per cent or less of the total materials cost of an iron or steel product that is otherwise produced in the United States. 104
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(E) The following notice shall be included in boldface type and capital letters in all bid notifications and specifications between all parties to any contract authorized under Chapter 153. of the Revised Code or subject to this section and section 153.99 of the Revised Code: "Domestic iron and steel use requirements as specified in section 153.011 of the Revised Code apply to this project. Copies of section 153.011 of the Revised Code can be obtained from the office of the Ohio facilities construction commission." 108
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(F) Rules adopted by the director of administrative services, under division (B) of section 125.09 of the Revised Code, shall prescribe criteria and procedures for use by all state agencies in giving a preference for iron or steel products produced in the United States as required by this section. 117
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(G) As used in this section: 122

(1) "~~Steel~~ Iron or steel products" means ~~products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed, or processed by a combination of two or more of such operations, and used for load-bearing structural purposes, from steel made in the United States by the open hearth, basic oxygen, electric furnace, bessemer or other steel making process~~ any product made primarily of iron or steel, including, but not limited to, lined or unlined pipes and fittings; bars and rods; wire, wire ropes, and link chains; forgings; grating and drainage products; access covers, hatches, manhole covers, and other castings; hydrants; electric 123
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transmission and distribution poles; tanks; flanges; pipe clamps 134
and restraints; valves; structural steel and other steel mill 135
products; materials made primarily of iron or steel within 136
precast concrete; and other construction materials made 137
primarily of iron or steel. Except for applications involving 138
waterworks products, sewer products, plumbing products, or 139
electric transmission and distribution poles or posts, "iron or 140
steel products" does not mean electrical components, equipment, 141
systems, or appurtenances, including supports, shielding, and 142
other appurtenances related to an electrical system, necessary 143
for operation or concealment. 144

(2) "United States" means the United States of America and 145
includes all territory, continental or insular, subject to the 146
jurisdiction of the United States. 147

(3) "Made primarily of iron or steel" means composed 148
primarily of greater than fifty per cent iron or steel measured 149
by component cost, volume, or weight. 150

(4) "Produced in the United States" means that, with 151
respect to iron and steel, all manufacturing processes, from the 152
initial melting stage, occur in the United States, other than 153
metallurgical processes to refine steel additives. 154

(5) "State agency" has the same meaning as in section 155
153.03 of the Revised Code. 156

Sec. 153.99. (A) Whoever violates section 153.58 of the 157
Revised Code shall be fined not more than one thousand dollars. 158

(B) A person who purchases or provides iron or steel 159
products in violation of division (A) of section 153.011 of the 160
Revised Code shall pay a civil penalty equal to one and one-half 161
times the purchase price of the iron or steel products purchased 162

or provided in violation of that section. 163

Sec. 3333.071. (A) Notwithstanding section 3345.16 of the 164
Revised Code, no expenditure shall be made for land for higher 165
education purposes by public institutions of higher education or 166
agents of such institutions from any fund without the approval 167
of the chancellor of higher education and the controlling board. 168
No state appropriation for capital improvements shall be 169
released by the controlling board for the purchase of land or 170
buildings from any organization or corporation which has been 171
established to benefit or assist the institution, except that 172
such releases may be made if the land is to be used for a 173
currently state-financed improvement. 174

(B) Any state institution of higher education project that 175
is supported in whole or in part by state funds shall comply 176
with section 153.011 of the Revised Code. 177

Sec. 5525.21. In conjunction with the requirements of 178
section 153.011 of the Revised Code, the director of 179
transportation may, in connection with any bridge project for 180
which a contract has been entered into, authorize in writing the 181
use of a minimal amount of foreign iron or steel products if 182
either of the following is true: 183

(A) The cost for each contract item used does not exceed 184
one-tenth of one per cent of the total contract cost, or two 185
thousand five hundred dollars, whichever is greater. For the 186
purposes of this section, the cost is the value of the iron or 187
steel product as delivered to the project. 188

(B) The director determines that specified iron or steel 189
materials are not produced in the United States in sufficient 190
quantity or otherwise are not reasonably available to meet 191

contract requirements. 192

Section 2. That existing sections 153.011, 153.99, 193
3333.071, and 5525.21 of the Revised Code are hereby repealed. 194