## As Introduced

## 136th General Assembly Regular Session 2025-2026

H. B. No. 548

## **Representative Brewer**

Cosponsors: Representatives Brent, Rogers, Lett, Rader

То	amend sections 3701.143 and 4117.10 and to enact	1
	section 2935.34 of the Revised Code to require	2
	testing for alcohol or drugs of abuse after	3
	incidents involving an officer's use of force	_

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

Section 1. That sections 3701.143 and 4117.10 be amended	5
and section 2935.34 of the Revised Code be enacted to read as	6
follows:	7
Sec. 2935.34. (A) As used in this section:	8
(1) "Controlled substance" has the same meaning as in	9
section 3719.01 of the Revised Code.	10
(2) "Corrections officer" means a person employed by a	11
detention facility as a corrections officer.	12
(3) "Detention facility" means any public or private place	13
used for the confinement of a person charged with or convicted	14
of any crime in this state or another state or under the laws of	15
the United States or alleged or found to be a delinquent child	16
or unruly child in this state or another state or under the laws	1
of the United States.	18

(4) "Drug of abuse" has the same meaning as in section	19
4506.01 of the Revised Code.	20
(5) "Prescription" has the same meaning as in section	21
4729.01 of the Revised Code.	22
(6) "Prohibited concentration of alcohol, a controlled	23
substance, or a metabolite of a controlled substance" means	24
either of the following:	25
ettilet of the following.	20
(a) A concentration in the person's whole blood, blood	26
serum or plasma, breath, or urine that equals or exceeds an	27
amount specified in division (A)(1) of section 4511.19 of the	28
Revised Code;	29
(b) A concentration in the person's whole blood, blood	30
serum or plasma, breath, or urine that equals or exceeds an	31
amount specified in a collective bargaining agreement entered	32
into under Chapter 4117. of the Revised Code, provided the	33
concentration specified in the agreement is lower than the	34
amount specified in division (A)(1) of section 4511.19 of the	35
Revised Code.	36
(7) "Use of force" means force exerted by a peace officer	37
or corrections officer in the officer's official capacity that	38
results in serious physical harm to property, serious physical	39
harm to persons, or death. "Use of force" includes the discharge	40
of a firearm or the use of a gas or explosive device, except	41
when it occurs in a training or routine practice setting or when	42
it does not cause serious physical harm to persons or property.	43
(B) Within three hours after an incident involving use of	44
force, a peace officer or corrections officer who engaged in the	45
use of force shall submit to a chemical test to determine the	46
presence and concentration of alcohol, any controlled substance,	47
<u>, 1</u>	

or a metabolite of a controlled substance in the officer's whole	48
blood, blood serum or plasma, breath, or urine. An officer who	49
was present at the time of the incident, but not engaged in the	50
use of force, is not required to submit to a chemical test.	51
(C) The bodily substance withdrawn under division (B) of	52
this section shall be analyzed in accordance with methods	53
approved by the director of health by an individual possessing a	54
valid permit issued by the director under section 3701.143 of	55
the Revised Code.	56
(D) If a chemical test administered under this section	57
indicates a prohibited concentration of alcohol, a controlled	58
substance, or a metabolite of a controlled substance, the	59
officer's employer shall report the test results to the	60
prosecutor where the employer is located and to the bureau of	61
criminal identification and investigation if the bureau is	62
investigating the officer's use of force. The prosecutor shall	63
consider whether to prosecute the officer for any offense	64
related to the use of force while under the influence of	65
alcohol, a drug of abuse, or both.	66
(E) (1) In addition to reporting a chemical test indicating	67
a prohibited concentration of alcohol, a controlled substance,	68
or a metabolite of a controlled substance to a prosecutor as	69
required by division (D) of this section, the officer's employer	70
shall take any corrective or disciplinary action required by an	71
applicable law, ordinance, policy, or collective bargaining	72
agreement, including requiring the officer to attend drug and	73
alcohol counseling if appropriate under the circumstances.	74
(2) An officer who refuses to submit to a chemical test as	75
required under division (B) of this section is subject to	76
corrective or disciplinary action in accordance with division	77

(E) (1) of this section as though the officer had submitted to	78
the test and the results indicated a prohibited concentration of	79
alcohol, a controlled substance, or a metabolite of a controlled	80
substance.	81
(F) Divisions (D) and (E) of this section do not apply to	82
a peace officer or corrections officer whose chemical test	83
indicates a prohibited amount of a controlled substance or	84
metabolite of a controlled substance if both of the following	85
apply:	86
(1) The officer obtained the controlled substance pursuant	87
to a prescription issued by a licensed health professional	88
authorized to prescribe drugs.	89
(2) The officer injected, ingested, or inhaled the	90
controlled substance in accordance with the health	91
<pre>professional's directions.</pre>	92
Sec. 3701.143. (A) As used in this section, "drug of	93
abuse" has the same meaning as in section 4506.01 of the Revised	94
Code.	95
(B) For purposes of sections 1547.11, 2935.34, 4511.19,	96
and 4511.194 of the Revised Code, the director of health shall	97
determine, or cause to be determined, techniques or methods for	98
chemically analyzing a person's whole blood, blood serum or	99
plasma, urine, breath, oral fluid, or other bodily substance in	100
order to ascertain the presence or amount of alcohol, a drug of	101
abuse, controlled substance, metabolite of a controlled	102
substance, or combination of them in the person's whole blood,	103
blood serum or plasma, urine, breath, oral fluid, or other	104
bodily substance. The director shall approve satisfactory	105
techniques or methods, ascertain the qualifications of	106

individuals to conduct such analyses, and issue permits to	107
qualified persons authorizing them to perform such analyses.	108
Such permits shall be subject to termination or revocation at	109
the discretion of the director.	110
Sec. 4117.10. (A) An agreement between a public employer	111
and an exclusive representative entered into pursuant to this	112
chapter governs the wages, hours, and terms and conditions of	113
public employment covered by the agreement. If the agreement	114
provides for a final and binding arbitration of grievances,	115
public employers, employees, and employee organizations are	116
subject solely to that grievance procedure and the state	117
personnel board of review or civil service commissions have no	118
jurisdiction to receive and determine any appeals relating to	119
matters that were the subject of a final and binding grievance	120
procedure. Where no agreement exists or where an agreement makes	121
no specification about a matter, the public employer and public	122
employees are subject to all applicable state or local laws or	123
ordinances pertaining to the wages, hours, and terms and	124
conditions of employment for public employees. All of the	125
following prevail over conflicting provisions of agreements	126
between employee organizations and public employers:	127
(1) Laws pertaining to any of the following subjects:	128
(a) Civil rights;	129
(b) Affirmative action;	130
(c) Unemployment compensation;	131
(d) Workers' compensation;	132
(e) The retirement of public employees;	133
(f) Residency requirements;	134

(g) The minimum educational requirements contained in the	135
Revised Code pertaining to public education including the	136
requirement of a certificate by the fiscal officer of a school	137
district pursuant to section 5705.41 of the Revised Code;	138
(h) The provisions of division (A) of section 124.34 of	139
the Revised Code governing the disciplining of officers and	140
employees who have been convicted of a felony;	141
(i) The minimum standards promulgated by the director of	142
education and workforce pursuant to division (D) of section	143
3301.07 of the Revised Code.	144
(2) The law pertaining to the leave of absence and	145
compensation provided under section 5923.05 of the Revised Code,	146
if the terms of the agreement contain benefits which are less	147
than those contained in that section or the agreement contains	148
no such terms and the public authority is the state or any	149
agency, authority, commission, or board of the state or if the	150
public authority is another entity listed in division (B) of	151
section 4117.01 of the Revised Code that elects to provide leave	152
of absence and compensation as provided in section 5923.05 of	153
the Revised Code;	154
(3) The law pertaining to the leave established under	155
section 5906.02 of the Revised Code, if the terms of the	156
agreement contain benefits that are less than those contained in	157
section 5906.02 of the Revised Code;	158
(4) The law pertaining to excess benefits prohibited under	159
section 3345.311 of the Revised Code with respect to an	160
agreement between an employee organization and a public employer	161
entered into on or after September 29, 2015.	162
(5) The requirements of section 2935.34 of the Revised	163

Code that a peace officer or corrections officer submit to a	164
chemical test after an incident involving the use of force, as	165
defined in that section, and that the officer's employer report	166
the results and take appropriate corrective or disciplinary	167
actions.	168

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 169 the Revised Code and arrangements entered into thereunder, and 170 section 4981.21 of the Revised Code as necessary to comply with 171 section 13(c) of the "Urban Mass Transportation Act of 1964," 87 172 Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 173 entered into thereunder, this chapter prevails over any and all 174 other conflicting laws, resolutions, provisions, present or 175 future, except as otherwise specified in this chapter or as 176 otherwise specified by the general assembly. Nothing in this 177 section prohibits or shall be construed to invalidate the 178 provisions of an agreement establishing supplemental workers' 179 compensation or unemployment compensation benefits or exceeding 180 minimum requirements contained in the Revised Code pertaining to 181 public education or the minimum standards promulgated by the 182 director of education and workforce pursuant to division (D) of 183 section 3301.07 of the Revised Code. 184

185 (B) The public employer shall submit a request for funds necessary to implement an agreement and for approval of any 186 other matter requiring the approval of the appropriate 187 legislative body to the legislative body within fourteen days of 188 the date on which the parties finalize the agreement, unless 189 otherwise specified, but if the appropriate legislative body is 190 not in session at the time, then within fourteen days after it 191 convenes. The legislative body must approve or reject the 192 submission as a whole, and the submission is deemed approved if 193 the legislative body fails to act within thirty days after the 194

public employer submits the agreement. The parties may specify	195
that those provisions of the agreement not requiring action by a	196
legislative body are effective and operative in accordance with	197
the terms of the agreement, provided there has been compliance	198
with division (C) of this section. If the legislative body	199
rejects the submission of the public employer, either party may	200
reopen all or part of the entire agreement.	201

202

203

204

205

206

207

As used in this section, "legislative body" includes the governing board of a municipal corporation, school district, college or university, village, township, or board of county commissioners or any other body that has authority to approve the budget of their public jurisdiction and, with regard to the state, "legislative body" means the controlling board.

(C) The chief executive officer, or the chief executive 208 officer's representative, of each municipal corporation, the 209 designated representative of the board of education of each 210 school district, college or university, or any other body that 211 212 has authority to approve the budget of their public jurisdiction, the designated representative of the board of 213 county commissioners and of each elected officeholder of the 214 county whose employees are covered by the collective 215 negotiations, and the designated representative of the village 216 or the board of township trustees of each township is 217 responsible for negotiations in the collective bargaining 218 process; except that the legislative body may accept or reject a 219 proposed collective bargaining agreement. When the matters about 220 which there is agreement are reduced to writing and approved by 221 the employee organization and the legislative body, the 222 agreement is binding upon the legislative body, the employer, 223 and the employee organization and employees covered by the 224 agreement. 225

(D) There is hereby established an office of collective	226
-	
bargaining in the department of administrative services for the	227
purpose of negotiating with and entering into written agreements	228
between state agencies, departments, boards, and commissions and	229
the exclusive representative on matters of wages, hours, terms	230
and other conditions of employment and the continuation,	231
modification, or deletion of an existing provision of a	232
collective bargaining agreement. Nothing in any provision of law	233
to the contrary shall be interpreted as excluding the bureau of	234
workers' compensation and the industrial commission from the	235
preceding sentence. This office shall not negotiate on behalf of	236
other statewide elected officials or boards of trustees of state	237
institutions of higher education who shall be considered as	238
separate public employers for the purposes of this chapter;	239
however, the office may negotiate on behalf of these officials	240
or trustees where authorized by the officials or trustees. The	241
staff of the office of collective bargaining are in the	242
unclassified service. The director of administrative services	243
shall fix the compensation of the staff.	244
The office of collective bargaining shall:	245
(1) Assist the director in formulating management's	246
philosophy for public collective bargaining as well as planning	247
bargaining strategies;	248
(2) Conduct negotiations with the exclusive	249
representatives of each employee organization;	250
(3) Coordinate the state's resources in all mediation,	251
fact-finding, and arbitration cases as well as in all labor	252
disputes;	253

(4) Conduct systematic reviews of collective bargaining

254

H. B. No. 548	Page 10
As Introduced	_

agreements for the purpose of contract negotiations;	255
(5) Coordinate the systematic compilation of data by all	256
agencies that is required for negotiating purposes;	257
(6) Prepare and submit an annual report and other reports	258
as requested to the governor and the general assembly on the	259
implementation of this chapter and its impact upon state	260
government.	261
Section 2. That existing sections 3701.143 and 4117.10 of	262
the Revised Code are hereby repealed.	263
Section 3. Section 1 of this act applies to collective	264
bargaining agreements entered into on or after the effective	265
date of this section.	266
Section 4. Section 3701.143 of the Revised Code is	267
presented in this act as a composite of the section as amended	268
by both H.B. 37 and S.B. 100 of the 135th General Assembly. The	269
General Assembly, applying the principle stated in division (B)	270
of section 1.52 of the Revised Code that amendments are to be	271
harmonized and reconciled if reasonably capable of simultaneous	272
operation, finds that the composite is the resulting version of	273
the section in effect prior to the effective date of the section	274
as presented in this act.	275