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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

S.B. 180
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Johnson

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SUMMARY

- Prohibits public entities from acquiring “small unmanned aircraft systems,” aerial drones, from any country designated a “foreign adversary” by the Secretary of State.
- Prohibits public entities from operating aerial drones manufactured by a foreign adversary on or after May 1, 2027.
- Prohibits state funds being used in connection with aerial drones from a foreign adversary.
- Requires the Secretary of State to compile and update a list of foreign adversaries, and other persons who constitute a threat to the state, at least once every six months.

DETAILED ANALYSIS

Small unmanned aircraft systems

The bill prohibits any “public entity” from purchasing or otherwise acquiring aerial drones assembled or manufactured in a country designated a “foreign adversary” by the Secretary of State. Public entities may continue operating aerial drones manufactured or assembled by a foreign adversary until May 1, 2027. The bill defines “public entity” broadly to encompass the state and all political subdivisions of the state.¹

The bill also prohibits state funds from being used in connection with aerial drones manufactured or assembled by a foreign adversary, including through contracts, grants, or cooperative agreements.²

¹ R.C. 5501.84(A) and (B)(1) and (3).

² R.C. 5501.84(B)(2).

Because the bill's prohibition on procurement applies to municipal corporations and charter counties, if challenged, a court might examine whether the bill conflicts with the "home rule" powers of these local entities established by the Ohio Constitution, which include the "power of local self-government" and the authority to make regulations for the public health, safety, and morals, and the general welfare of society, or "police power."³

Foreign adversaries

The bill directs the Secretary of State to compile and update, at least once every six months, a registry of foreign adversary countries, as well as persons who constitute a threat to agricultural production, critical infrastructure, security, or military defense of the state or the U.S. The Secretary of State must consult certain federal lists of persons and entities in creating the registry and may not include in the registry any person not appearing on at least one of the enumerated federal lists. The registry must be published on the Secretary of State's website.⁴

Because the bill prohibits the procurement of certain foreign goods, if challenged, a court might examine whether it could be interpreted as regulating commerce with foreign nations – a power expressly and exclusively reserved to Congress by the U.S. Constitution.⁵

HISTORY

Action	Date
Introduced	04-23-25

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³ Ohio Constitution, Article XVIII, Section III and art. X, sec. III; *Miami County v. Dayton*, 92 Ohio St. 215 (1915).

⁴ R.C. 5501.84(C).

⁵ U.S. Constitution, Article I, Section 8, Clause 3 (stating "The Congress shall have power . . . to regulate commerce with foreign nations, and among the several states, and with the Indian tribes").