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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

H.B. 87  
135<sup>th</sup> General Assembly

## Bill Analysis

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**Version:** As Passed by the House

**Primary Sponsors:** Reps. Santucci and Demetriou

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### SUMMARY

- Prohibits state agencies and political subdivisions from purchasing a U.S. flag or an Ohio flag that is not made in the U.S.

### DETAILED ANALYSIS

#### Flags made in the U.S.

The bill prohibits state agencies and political subdivisions from using public funds to purchase a U.S. flag or an Ohio flag that is not made in the U.S.

The bill defines a state agency as “any organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government.” It defines a political subdivision as “a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.”<sup>1</sup>

#### Current flag purchases

Existing law requires all state agencies wanting to purchase supplies to buy them from Ohio Penal Industries (OPI), operated by the Department of Rehabilitation and Correction, if they are available from OPI. Inmates at the Ohio Reformatory for Women, which is located in Marysville, have been manufacturing flags for OPI since 1926.<sup>2</sup> As a result, state agencies must purchase their flags from OPI. This requirement does not apply to political subdivisions.

<sup>1</sup> R.C. 125.036.

<sup>2</sup> R.C. 125.035(B)(1), not in the bill, and Ohio Penal Industries, [Flags and Patches](#), available at [opi.ohio.gov](http://opi.ohio.gov) under “Products and Services.”

The bill requires state agencies to continue purchasing U.S.-made flags if OPI ever stops making them, and also requires political subdivisions to purchase U.S.-made flags, although not necessarily from OPI.

### Political subdivisions

Current law does not impose similar purchasing standards on political subdivisions. The Home Rule provision of the Ohio Constitution gives municipalities and chartered counties the power of local self-government, which is the right to govern and administer their own internal affairs, so long as they do not infringe on matters of general and statewide concern. If a local ordinance qualifies as an exercise of local self-government, the state generally cannot override the ordinance.<sup>3</sup>

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## HISTORY

Action	Date
Introduced	03-01-23
Reported, H. Government Oversight	03-29-23
Passed House (95-1)	06-26-24

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<sup>3</sup> Ohio Constitution, Article X, Section 3 and Article XVIII, Section 3. *Beachwood v. Board of Elections of Cuyahoga County*, 167 Ohio St. 369, 371 (1958) and *State ex rel.*

*Evans v. Moore*, 69 Ohio St.2d 88, 89-90 (1982).