

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 80

Representatives G. Smith, Flowers, Hartnett, Calvert, Hagan

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A BILL

To enact sections 153.73 and 153.731 of the Revised Code to prohibit a state agency from awarding a public improvement contract unless its terms require the contractor to participate in a specified drug-free workplace program.

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

Section 1. That sections 153.73 and 153.731 of the Revised Code be enacted to read as follows:

Sec. 153.73. (A) As used in this section:

(1) "Contracting authority" means any state agency or other state instrumentality that is authorized to award a public improvement contract.

(2) "Contractor" includes each construction manager, construction contractor, or subcontractor providing labor services, lease labor, or manpower, for a public improvement contract.

(3) "Labor services" means any construction services performed on the site of the construction, alteration, or repair of a public building, public highway, or other public improvement.

(4) "Public improvement contract" means any contract that is financed in whole or in part with money appropriated by the

general assembly, or that is financed in any manner by a
contracting authority that is a state institution of higher
education, and that is awarded by a contracting authority for the
construction, alteration, or repair of any public building, public
highway, or other public improvement.

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(5) "State agency" means every organized body, office, or
agency established by the laws of this state for the exercise of
any function of state government.

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(B) A contracting authority shall not award a public
improvement contract to a contractor unless the terms of the
contract require the contractor to be enrolled in and be in good
standing in the drug-free workplace program of the bureau of
workers' compensation or a comparable program that is approved by
the bureau and that meets the minimum requirements of the bureau's
drug-free workplace program. A contracting authority shall ensure
that money appropriated by the general assembly for the
contracting authority's public improvement contract or, in the
case of a state institution of higher education, the institution's
financing for the public improvement contract, is not expended
unless each contractor for that contract is enrolled in and in
good standing in such a program. A contracting authority need
verify only once during the term of a public improvement contract
that each contractor for the contract is enrolled in and in good
standing in such a program.

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Sec. 153.731. The general assembly intends the drug-free
workplace programs required by section 153.73 of the Revised Code
to be of assistance in ensuring that public buildings, public
highways, and other public improvements of the state are
constructed, altered, or repaired in a manner that protects the
safety of the citizens of this state.

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