



# Ohio Legislative Service Commission

## Bill Analysis

Amber Hardesty

### S.B. 320

130th General Assembly  
(As Introduced)

Sen. Tavares

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## BILL SUMMARY

- Requires state agencies to purchase uniforms and other apparel items that are made with American textiles, materials, and supplies.

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## CONTENT AND OPERATION

### American-made uniforms and apparel

The bill prohibits any state agency from purchasing or otherwise receiving any uniforms or other apparel articles unless the textiles, materials, and supplies used in the uniforms or other apparel articles are entirely grown, produced, or manufactured in the United States. Under the bill, "state agency" means every organized body, office, or agency established by the laws of Ohio for the exercise and function of state government and includes any state institution of higher education.<sup>1</sup>

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## COMMENT

The Commerce Clause, Art. I, § 8, cl. 3 of the United States Constitution provides:

The Congress shall have the Power to . . . regulate  
Commerce with foreign Nations, and among the several  
States, and with the Indian Tribes . . .

Because foreign commerce is a matter of national concern, the foreign commerce clause vests Congress with the authority to act in international relations and with respect to foreign intercourse and trade so that the United States may act "through a

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<sup>1</sup> R.C. 9.318.

single government with unified and adequate national power."<sup>2</sup> The overriding concern is that "the Federal Government must speak with one voice when regulating commercial relations with foreign governments."<sup>3</sup>

Because the bill requires state agencies to purchase American-made textiles and other apparel articles, it appears to be an attempt by the state to regulate foreign commerce and a court may find it discriminates against foreign countries by favoring American-made products.<sup>4</sup>

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## HISTORY

ACTION	DATE
Introduced	04-01-14

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<sup>2</sup> See *Japan Line Ltd., et al. v. County of Los Angeles*, 441 U.S. 434 (1979), citing *Board of Trustees v. United States*, 289 U.S. 48, 59 (1933).

<sup>3</sup> *Japan Line*, citing *Michelin Tire Corp. v. Wages*, 423 U.S. 276, 285 (1976).

<sup>4</sup> See *Kraft General Foods, Inc., v. Iowa Dept. of Revenue and Finance*, 505 U.S. 71 (1992).

