

July 2, 2026

The Honorable Mike DeWine, Governor
Riffe Center, 20th Floor
77 South High St
Columbus, OH 43215-6117

The General Assembly recently passed Substitute House Bill 251, a drone regulation bill, and formally sent it to your office for final approval.

The ACLU of Ohio has numerous concerns about HB 251 we wish to bring to your attention. Individually, we believe any of these concerns are enough to warrant your veto of HB 251. Collectively, we think these serious privacy and free speech concerns make a veto paramount.



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PRIVATE OPERATOR REGULATIONS & THE FIRST AMENDMENT

House Bill 251 requires anyone (i.e. non-government) operating a drone who wishes to, or may, surveil another person or people to first obtain the “express, informed” consent of the person or people to be surveilled and the same from the property owner(s) where the person being surveilled is present before law enforcement grants permission or formally issues a permit for such drone use. This presents numerous practical problems and various First Amendment concerns. A non-exhaustive list of examples:

- There are no exemptions for news media/journalists or numerous other drone users/operators or situations;
- This requirement raises serious prior restraint/free speech issues;
- To our knowledge, there does not currently exist under Ohio law any process or mandated procedures for law enforcement to specifically grant or deny someone’s usage of drones. Yet, HB 251 assumes such a clearly defined process currently exists and will be utilized for the purposes of HB 251;
- Actually, it is unclear if the person using the drone or the relevant law enforcement entity is responsible for acquiring the “express, informed consent” mentioned. HB 251 states the relevant law enforcement entity must “obtain” that consent, but does not reveal if that consent comes secondhand, via drone operators, or firsthand, as the result of a law enforcement entity’s own efforts;

- HB 251 ignores how one is to practically comply with this bill if someone wishes to record more than one person together or a crowd of people. Must consent be obtained from each and every person to be recorded or surveilled? It appears that answer is “yes.”

Again, the above is only a partial list of our concerns with the relevant sections of HB 251. But we trust it demonstrates just some of the legal and practical problems arising from passage and implementation of HB 251.

DRONE DATA & OHIO PUBLIC RECORDS LAW

Under current Ohio law, data captured by a law enforcement or government drone is public record, available to all whom ask. To be clear, this includes not just documentation about how drones operate, contracts, receipts, and more. It also includes the actual surveillance data, footage, etc. of people and places captured via drones.

House Bill 251 had an opportunity to close this loophole and exempt such data from Ohio’s public records laws as is wisely the case under current law with personal data captured via automatic license plate readers. Instead, HB 251 explicitly states such data is public record.

Without such an exemption, there are obvious concerns how such data, footage, etc. can and will be used and exploited by private businesses and corporations, dangerous individuals, such as in an ongoing domestic violence crisis, foreign adversaries, and more.

LAW ENFORCEMENT SURVEILLANCE & PRIVACY

HB 251 is framed by supporters as imposing a warrant requirement on law enforcement use of drones, with some exemptions. However, those exemptions, and one in particular, essentially render the warrant requirement meaningless. That specific exemption is the one allowing law enforcement to utilize drones for surveillance “to observe what is otherwise visible to the naked eye.”

This exemption continues the principle one should have no expectation of privacy when they are out in public where they, their actions, and their travels can be seen by anyone, including government and law enforcement.

However, this same principle gives government a blank check to conduct surveillance of numerous types, including by drones, for limited, temporary purposes or for perpetual, never-ending surveillance. Such privacy concerns are compounded when drones are outfitted with similar technologies, such as automatic license plate readers, facial recognition tools, and more.

For those concerned about such widespread, never-ending surveillance by their government, HB 251 demonstrates those concerns are legitimate as HB 251 allows and endorses such actions.

ABSENCE OF EXISTING REGULATIONS & RESTRICTIONS AT STATE & LOCAL LEVELS

House Bill 251 does not exist in a vacuum. While other states have introduced and passed bipartisan laws to regulate and restrict government surveillance via drones and other technologies, Ohio frustratingly remains an outlier with almost no regulations in our state or local laws.

Such laws ideally address such issues as 1) When, and for what purposes, can technology such as drones specifically be used and not used, 2) How long can data be kept and under what circumstances, 3) Who can this data be shared with, and for what purposes, and who specifically is not permitted access to that data.

Law enforcement in Ohio continues to rapidly obtain and use various surveillance technologies, including drones. Missing has been any discussion, debate, or considerations about the short-and long-term implications of their use. Without such fundamental protections and guidance in place via our laws, HB 251 is, at best, premature.

Ohioans deserve laws to regulate drone usage in common sense ways that still allow law enforcement and government to utilize them in ways not impacting civil liberties. HB 251 is not that bill, it is the opposite.

The ACLU of Ohio hopes you agree and urges your veto of Substitute House Bill 251. Please do not hesitate to contact me directly with any questions or concerns about this matter.

Sincerely,

Gary Daniels
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