

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 529**

**Representative Young, T.**

**Cosponsors: Representatives Barhorst, King, Robb Blasdel**

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**A BILL**

To amend section 3704.99 and to enact sections 1  
3704.21, 3704.22, and 3704.23 of the Revised 2  
Code to prohibit a person from engaging in solar 3  
radiation modification and to name the act the 4  
Atmosphere Protection Act. 5

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

**Section 1.** That section 3704.99 be amended and sections 6  
3704.21, 3704.22, and 3704.23 of the Revised Code be enacted to 7  
read as follows: 8

**Sec. 3704.21.** As used in sections 3704.21 to 3704.23 of 9  
the Revised Code: 10

(A) "Pollutant" means any aerosol; biologic, 11  
transbiologic, or genetically modified agent; chaff; metal; 12  
radioactive material; acid; alkali; chemical; particulate; 13  
contaminant; smart dust; smoke; soot; fume; vapor; air pollutant 14  
regulated by this state; mechanical vibration or other physical 15  
agent; waste, including materials that may be recycled, 16  
reconditioned, or reclaimed; solid, liquid, gaseous, or thermal 17  
irritant; or artificially produced electric field, magnetic 18

field, electromagnetic field, electromagnetic pulse, sound wave, 19  
sound pollution, light pollution, microwave, or ionizing or non- 20  
ionizing radiation. 21

(B) "Solar radiation modification" means an experiment in 22  
the earth's climatic system involving the release of pollutants 23  
that reduces the amount of sunlight reaching the earth's 24  
surface. 25

**Sec. 3704.22.** No person shall engage in solar radiation 26  
modification in this state, including through the use of an 27  
aircraft, balloon, space-based platform, or interoperable 28  
ground-based facility. 29

A violation of this section is a strict liability offense 30  
and section 2901.20 of the Revised Code does not apply. 31

**Sec. 3704.23.** (A) The director of environmental protection 32  
shall adopt policies that encourage the public to monitor, 33  
measure, document, and report present, potential, and past 34  
incidents that may constitute solar radiation modification. 35

(B) The director shall adopt policies and procedures to 36  
aid the public in reporting and presenting evidence of solar 37  
radiation modification or attempted solar radiation 38  
modification. 39

(C) The director shall investigate any report of solar 40  
radiation modification or attempted solar radiation 41  
modification. 42

(D) The director shall issue a cease-and-desist order to a 43  
person who the director determines is conducting or attempting 44  
to conduct solar radiation modification. No person shall fail to 45  
comply with a cease and desist order issued under this division. 46

A violation of this division is a strict liability offense 47  
and section 2901.20 of the Revised Code does not apply. 48

**Sec. 3704.99.** (A) Whoever recklessly violates division 49  
(A), (B), (C), (D), (E), (F), (G), or (I) of section 3704.05 or 50  
division (B) (5) of section 3704.16 of the Revised Code shall be 51  
fined not more than twenty-five thousand dollars or imprisoned 52  
not more than one year, or both, for each violation. Each day 53  
the violation continues after a conviction for a violation is a 54  
separate offense. 55

(B) Whoever knowingly violates division (H), (J), or (K) 56  
of section 3704.05 of the Revised Code shall be fined not more 57  
than ten thousand dollars for each day of each such violation. 58

(C) Whoever violates section 3704.15 of the Revised Code 59  
is guilty of a misdemeanor of the first degree. 60

(D) Whoever violates division (B) (2) or knowingly violates 61  
division (C) (1) of section 3704.16 of the Revised Code is guilty 62  
of a minor misdemeanor. 63

(E) Whoever violates division (B) (1) or (3) or knowingly 64  
violates division (C) (2) or (3) of section 3704.16 of the 65  
Revised Code shall be fined not less than five hundred nor more 66  
than twenty-five hundred dollars for each day of each violation. 67

(F) Whoever recklessly violates division (B) (4) of section 68  
3704.16 of the Revised Code shall be fined not more than twenty- 69  
five thousand dollars or imprisoned not more than one year, or 70  
both, for each violation. Each day the violation continues after 71  
a conviction for a violation is a separate offense. 72

(G) The sentencing court, in addition to the penalty 73  
provided in divisions (D), (E), and (F) of this section, shall 74  
order the offender to restore within thirty days any emission 75

control system that was tampered with in connection with the 76  
violation or to provide proof that the motor vehicle whose 77  
emission control system was tampered with has been dismantled or 78  
destroyed. The court may extend that deadline for good cause 79  
shown. If the offender does not take the corrective action 80  
ordered under this division, each day that the violation 81  
continues is a separate offense. Violation of a court order 82  
entered under this division is punishable as contempt under 83  
Chapter 2705. of the Revised Code. 84

(H) Whoever violates section 3704.22 of the Revised Code 85  
or division (D) of section 3704.23 of the Revised Code shall be 86  
fined not less than five hundred thousand dollars or imprisoned 87  
not less than three years, or both, for each violation. Each day 88  
of violation constitutes a separate offense. 89

**Section 2.** That existing section 3704.99 of the Revised 90  
Code is hereby repealed. 91

**Section 3.** This act shall be known as the Atmosphere 92  
Protection Act. 93