

As Introduced

136th General Assembly

Regular Session

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H. B. No. 1006

Representative Mathews, T.

Cosponsor: Representative Klopfenstein

To enact section 921.32 of the Revised Code to 1
limit manufacturer liability for failure-to-warn 2
claims if a pesticide's label complies with 3
specified requirements. 4

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

Section 1. That section 921.32 of the Revised Code be 5
enacted to read as follows: 6

Sec. 921.32. (A) Notwithstanding any provision of the 7
Revised Code to the contrary, beginning January 1, 2028, the 8
displayed label of a pesticide is deemed not to be misbranded 9
and sufficient for purposes of an action commenced under any 10
provision of state law concerning the duty to warn or label or 11
any other common law duty to warn if either of the following 12
applies to such label: 13

(1) It is approved by the United States environmental 14
protection agency. 15

(2) It is consistent with the most recent human health 16
risk assessment performed under the federal act. 17

(B) This section applies only to a pesticide that is 18
registered with the director of agriculture in accordance with 19

<u>this chapter or the United States environmental protection</u>	20
<u>agency. However, this section does not apply when a</u>	21
<u>determination has been made by the United States environmental</u>	22
<u>protection agency that a manufacturer knowingly withheld,</u>	23
<u>concealed, misrepresented, or destroyed material information</u>	24
<u>regarding the human health risks of a pesticide in order to</u>	25
<u>obtain or maintain approval of its label by the United States</u>	26
<u>environmental protection agency.</u>	27