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## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Pizzulli and Robb Blasdel

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### SUMMARY

#### PFAS

##### **Intentionally added PFAS product sales prohibitions**

- Prohibits a manufacturer from selling certain products if that product contains an intentionally added per- and polyfluoroalkyl substances (PFAS) beginning January 1, 2027 (such as cookware and juvenile products), and beginning January 1, 2028, for certain other products (such as cleaning products and cosmetics).
- Until January 1, 2032, allows the Director of Environmental Protection (EPA Director) to adopt rules prohibiting a manufacturer from selling a consumer product that contains an intentionally added PFAS not specifically prohibited by the bill.
- Prohibits, beginning January 1, 2032, a manufacturer from selling a product containing an intentionally added PFAS unless the Director has adopted a rule providing that the use of PFAS in that product is a currently unavoidable use or unless the product is otherwise exempt under the bill.
- Requires the Director to adopt rules to identify currently unavoidable uses of PFAS.
- Allows the Director to adopt rules to designate that the use of a PFAS *in a certain product* is a currently unavoidable use, or determine that a product containing intentionally added PFAS is a currently unavoidable use based on determinations made by other states.
- Exempts a pesticide regulated by or under the jurisdiction of the “Federal Insecticide, Fungicide, and Rodenticide Act” from the bill’s intentionally added PFAS product sales prohibitions.
- Allows the Director to notify a person that sells a product prohibited by the bill that the product is prohibited in Ohio.

## Exemptions

- Exempts various types of products from the bill's PFAS provisions, including used products offered for sale or resale and products for which the Director has adopted a rule providing that the use of the PFAS in those products is a currently unavoidable use.
- Exempts a pesticide regulated by or under the jurisdiction of the "Federal Insecticide, Fungicide, and Rodenticide Act" from the bill's intentionally added PFAS product sales prohibitions.

## PFAS product information

- Requires the EPA Director to adopt rules directing a manufacturer to submit certain information to the Director for a product that contains an intentionally added PFAS.
- Requires a manufacturer to submit the information concerning a product to the Director not later than January 1, 2027.
- Prohibits a manufacturer from selling a product containing an intentionally added PFAS beginning January 1, 2028, unless the manufacturer has submitted the required information to the Director.
- Specifies deadlines for a manufacturer to submit revisions to the information provided about a product and for the Director to notify the manufacturer if adequate information has been received.
- Authorizes the Director to take various actions regarding the information required to be submitted, including extending the deadline for the manufacturer to submit the information and waiving the obligation to submit the information if substantially equivalent information is available.

## PFAS product testing

- Allows the EPA Director to direct the manufacturer of a product to provide testing results demonstrating the amount of each PFAS in the product, if any.
- Directs a manufacturer required to test a product to do one of the following:
  - If the testing demonstrates that the product *does not contain* an intentionally added PFAS, provide the Director with a certificate of compliance, testing results, and any other relevant information requested; or
  - If the testing demonstrates that the product *does contain* an intentionally added PFAS, provide the Director with information required by the bill on the product and notify each person that sells the product in Ohio that the sale of the product is prohibited.

## Other EPA rules

- Requires the EPA Director to adopt certain additional rules, including rules that require a periodic inventory of firefighting foam quantities stored or used in Ohio and to require the use of firefighting foam for emergency purposes only.

- Allows the Director to adopt other additional rules to carry out the bill, including requiring the labeling of products in English and Spanish, but requires the Director to consult with the Director of Agriculture prior to adopting certain rules.

**Civil penalty**

- Requires a manufacturer that violates the bill’s PFAS prohibitions to pay a civil penalty of not more than \$15,000 for each violation.
- Directs the Attorney General to bring a civil action for violating the bill’s PFAS provisions against a manufacturer upon written request from the EPA Director.
- Specifies that any civil penalties imposed on a manufacturer do not limit a manufacturer’s liability in other causes of action.

**Atmospheric chemical release prohibition**

- Prohibits a person from purposely injecting, releasing, or disbursing chemicals, chemical compounds, substances, or apparatus in Ohio into the atmosphere with the express purpose of affecting temperature, weather, or the intensity of the sunlight.
- Classifies a violation of the above prohibition as a fourth degree misdemeanor and imposes a \$10,000 fine for each violation.

**Food additives**

- States that food is adulterated within Ohio’s Pure Food and Drug Law if it bears or contains certain specified food dyes or chemicals.

**Fluoride in drinking water supply**

- Authorizes, rather than requires as under current law, a public water system to add fluoride to the water supplied by the system if the fluoride is below 0.8 mgs per liter of water.

**Bill title**

- Entitles the bill as the “Protecting Utility and Resources for Enhanced Living, Improved Food, and Environment Act.”

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## DETAILED ANALYSIS

### Overview

The bill addresses several different topics related to the environment, drinking water, and food safety. First, it creates several prohibitions and requirements concerning the sale of products that contain an intentionally added PFAS (per- and polyfluoroalkyl substances) in Ohio. Additionally, the bill prohibits a person from purposely injecting, releasing, or disbursing chemicals, chemical compounds, substances, or apparatus in Ohio into the atmosphere with the express purpose of affecting temperature, weather, or the intensity of the sunlight. It also adopts restrictions on certain food dyes and chemicals, and finally the bill permits, rather than requires, a public water system to add fluoride to the system's drinking water supplies.

### PFAS

The bill establishes various prohibitions and requirements concerning the sale of products containing an intentionally added PFAS by a manufacturer in Ohio. These terms are defined as follows:

- "PFAS" is defined in federal law as any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three sub-structures:
  - $R-(CF_2)-CF(R')R''$ , where both the  $CF_2$  and  $CF$  moieties are saturated carbons.
  - $R-CF_2OCF_2-R'$ , where  $R$  and  $R'$  can either be  $F$ ,  $O$ , or saturated carbons.
  - $CF_3C(CF_3)R'R''$ , where  $R'$  and  $R''$  can either be  $F$  or saturated carbons.
- "Product" means an item created, produced, assembled, packaged, or otherwise prepared for sale to consumers, including a product component sold or distributed for

personal, residential, commercial, or industrial use, including for use in making another product.

- “Intentionally added” means a PFAS deliberately added or used during the manufacture of a product in which the continued presence, at any level or concentration, of the PFAS is desired or expected in the final product or one of the product’s components.
- “Manufacturer” means:
  - A person, firm, association, partnership, corporation, organization, combination, or a joint venture that creates, produces, or assembles a product or whose brand name is affixed to a product;
  - In the case of a product imported into the U.S., an importer or first domestic distributor of the product, provided that the entity or person that created, produced, or assembled the product or whose brand name is affixed to the product does not have an office or employees in the U.S.
- “Sell” and “sale” include offering for sale, distributing, or distributing for sale directly or indirectly or through intermediaries.
- “Chemical” means a substance with a distinct molecular composition or a group of structurally related substances and includes the substances that form through breakdown, decomposition, degradation, or metabolism of the substance.<sup>1</sup>

## **Intentionally added PFAS product sales prohibitions**

### **Prohibitions beginning January 1, 2027**

Beginning January 1, 2027, a manufacturer is prohibited from selling the following products if that product contains an intentionally added PFAS:

- Cookware (meaning durable houseware items intended for direct food contact and used to prepare, dispense, or store food, foodstuffs, or beverages);
- Food packaging (meaning a container, unit package, intermediate package, or shipping container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage, including an individually assembled part of a food package);
- Dental floss;
- Juvenile products (meaning a product designed or marketed for use by children under 12 years of age, including children’s car seats, clothes, and toys, but does not include an electronic product, including: (1) personal computers and any associated equipment, (2) audio and video equipment, (3) calculators, (4) wireless phones, (5) gaming consoles, and

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<sup>1</sup> R.C. 3745.61(B), (L), (N), (Q), (R), and (S); 40 Code of Federal Regulations (C.F.R.) 705.3.

(6) handheld devices incorporating a video screen and any associated peripheral device such as a mouse, keyboard, power supply unit, or power cord);<sup>2</sup>

- Firefighting foam (meaning an aqueous film-forming foam containing an intentionally added PFAS).<sup>3</sup>

### **Prohibitions beginning January 1, 2028**

Beginning January 1, 2028, a manufacturer is prohibited from selling the following products if that product contains an intentionally added PFAS:

- Carpets or rugs (meaning a fabric marketed or intended for use as a floor covering);
- Cleaning products (meaning a finished product used for general cleaning purposes, not including automotive paint or paint repair products, including any of the following: (1) a polish or floor maintenance product, (2) an air care product labeled for the intended use of enhancing or conditioning the indoor environment by eliminating unpleasant odors or freshening the air, and (3) an automotive maintenance product labeled for the intended use of maintaining the appearance of a motor vehicle);
- Cosmetics (meaning a product or product component, other than soap, intended to be applied to the human body for cleansing, beautifying, or promoting attractiveness);
- Fabric treatments (meaning a substance applied to fabric for stain, grease, or water resistance, or flame retardance);
- Feminine hygiene products (meaning a disposable or reusable product to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, discs, applicators, and menstruation cups);
- Textiles (meaning an item made in whole or in part from a natural or synthetic fiber, yarn, or fabric, including leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester);
- Textile furnishings (meaning a textile product made in whole or part from a natural or synthetic fiber, yarn, or fabric that is used as furniture or a decorative accessory);
- Ski wax (meaning a lubricant applied to the bottom of a snow runner, including a ski or snowboard, to improve grip or glide properties, and includes associated tuning products);
- Upholstered furniture (meaning furniture that is wholly or partially stuffed with a filling material).<sup>4</sup>

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<sup>2</sup> It is unclear if the listed items are included as “juvenile products” or “electronic products.” If the listed items are juvenile products, then this prohibition would apply to them. But, if the listed items are electronic products, then the prohibition does not apply. A future amendment might clarify this uncertainty.

<sup>3</sup> R.C. 3745.61(E), (J), (K), and (M) and 3745.63(A).

<sup>4</sup> R.C. 3745.61(A), (C), (F), (H), (I), (T), (U), (V) and (W), and 3745.63(B).

## **Prohibitions by EPA rule until January 1, 2032**

Until January 1, 2032, the bill allows the Director of Environmental Protection (EPA Director) to adopt rules in accordance with the Administrative Procedure Act to prohibit a manufacturer from selling a consumer product containing an intentionally added PFAS that is not a product listed in the “**Beginning January 1, 2027**” or “**Beginning January 1, 2028**” provisions above. The Director must adopt such rules upon a finding of fact that prohibiting the sale of the consumer product is necessary to protect human health or the environment. The Director must do both of the following in adopting the above rules:

- Establish an effective date for each prohibition that is not later than six months after the adoption of the final rule establishing the prohibition, provided that the effective date cannot be earlier than January 1, 2027;
- Prioritize the prohibitions of consumer products containing intentionally added PFAS that are most likely to harm humans or contaminate the environment.

“Consumer product” is defined by the bill as tangible personal property that is distributed in commerce and normally used for personal, family, or household use, including product categories that are normally used in households but designed for or sold to businesses, such as commercial carpet or floor waxes.<sup>5</sup>

## **General prohibition beginning January 1, 2032**

Beginning January 1, 2032, a manufacturer is prohibited from selling a product containing an intentionally added PFAS unless the EPA Director has adopted a rule in accordance with the Administrative Procedure Act providing that the use of PFAS in that product is a currently unavoidable use.<sup>6</sup> A currently unavoidable use is a use of PFAS that the Director has determined by rule to be essential for health, safety, or the functioning of society, and for which alternatives are not reasonably available. The Director is required to adopt rules to identify currently unavoidable uses of PFAS. Further, the Director may adopt rules to designate that the use of a PFAS *in a certain product* is a currently unavoidable use or determine that a product containing intentionally added PFAS is a currently unavoidable use based on determinations made by other states. But, the Director must consult with the Director of Agriculture prior to establishing a rule designating that the use of a PFAS in a certain product is a currently unavoidable use regarding a pesticide, fertilizer, agricultural liming material, or plant or soil amendment that contains an intentionally added PFAS.<sup>7</sup>

## **Exemptions**

The bill establishes the following exemptions from the intentionally added PFAS product sales prohibitions:

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<sup>5</sup> R.C. 3745.61(D) and 3745.63(D).

<sup>6</sup> R.C. 3745.63(C).

<sup>7</sup> R.C. 3745.61(G) and 3745.66(A)(3), (B)(1)(c), (2), and (C).

1. A product for which federal law governs the presence of PFAS in a manner that preempts state authority;
2. Used products offered for sale or resale;
3. Medical devices or drugs, and the packaging of the medical devices or drugs, that are regulated by the U.S. Food and Drug Administration (FDA), including prosthetic and orthotic devices. "Medical device" is defined as an instrument, apparatus, implement, machine, implant, in vitro reagent, or other similar or related device, including any component or accessory, that is a product regulated as a drug or medical device by the U.S. FDA under the "Federal Food, Drug, and Cosmetic Act," and that satisfies any of the following: (a) it is recognized in an "official compendium" (which means a comprehensive, authoritative listing of recognized medical devices, including listings published by a federal regulatory body, that detail specifications standards and accepted uses of medical devices), (b) it is intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment, or prevention of disease in a human or animal, or (c) it is intended to affect the structure or function of the body of a human or animal, does not achieve its principal intended purposes through chemical action within or on the body of a human or animal, and does not depend on being metabolized for achievement of its principal intended purpose.
4. Cooling, heating, ventilation, air conditioning, or refrigeration equipment that contains intentionally added PFAS or refrigerants listed as acceptable, subject to use conditions, or subject to narrow use limits by the U.S. EPA pursuant to the Significant New Alternatives Policy Program, provided the equipment is for sale for the authorized use specified under that program;
5. A veterinary product and its packaging intended for use in or on animals, including diagnostic equipment or test kits, and the veterinary product's components and any product that is a veterinary medical device, drug, biologic, or parasiticide, or any product that is otherwise used in a veterinary medical setting or in veterinary medical applications that are regulated by or under the jurisdiction of: (a) the U.S. FDA, (b) the U.S. Department of Agriculture pursuant to the federal "Virus-Serum-Toxin Act", or (c) the U.S. EPA pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act," except that any such products approved for aerial and land application are not exempt;
6. A product developed or manufactured for the purpose of public health or environmental or water quality testing;
7. A motor vehicle or motor vehicle equipment regulated under a federal motor vehicle safety standard, except that the exemption does not apply to any textile article or refrigerant that is included in or as a component part of such products;
8. Any other motor vehicle, including an off-highway vehicle or specialty motor vehicle, such as an all-terrain vehicle, a side-by-side vehicle, farm equipment, or a personal assistive mobility device;
9. A watercraft, aircraft, lighter-than-air aircraft, or seaplane;

10. A semiconductor, including semiconductors incorporated in electric equipment, and materials used in the manufacture of semiconductors;
11. Nonconsumer electronic and nonconsumer laboratory equipment not ordinarily used for personal, family, or household purposes;
12. A product that contains intentionally added PFAS with uses that are currently listed as acceptable, acceptable subject to use conditions, or acceptable subject to narrowed use limits in the U.S. EPA's regulations under the Significant New Alternatives Policy Program, provided that the product contains PFAS that are being used as substitutes for ozone-depleting substances under the conditions specified in the regulations;
13. A product used for the generation, distribution, or storage of electricity;
14. Equipment directly used in the manufacture or development of the exempt products *listed above only*;
15. A product for which the EPA Director has adopted a rule providing that the use of the PFAS in that product is a currently unavoidable use;
16. A product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a per- or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.<sup>8</sup>

### **Federally regulated pesticide exemption**

A pesticide regulated by or under the jurisdiction of the “Federal Insecticide, Fungicide, and Rodenticide Act” is exempt from the prohibition against intentionally adding PFAS to a product. A “pesticide” under the “Federal Insecticide, Fungicide, and Rodenticide Act” is defined as, with certain exceptions: (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer.<sup>9</sup>

### **Sale prohibition notification by EPA**

The EPA Director is permitted to notify a person who sells a product prohibited by the bill of the prohibition.<sup>10</sup>

### **PFAS product information**

The bill directs the EPA Director to adopt rules in accordance with the Administrative Procedure Act that require a manufacturer to submit the following information to the Director for a product that contains an intentionally added PFAS:

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<sup>8</sup> R.C. 3745.61(O) and (P), 3745.62, and 3745.65(A); 7 United States Code (U.S.C) 136, *et seq.*, 21 U.S.C. 151, *et seq.*, 21 U.S.C. 301, *et seq.*, and 49 U.S.C. 30102; 40 C.F.R. 82, subpart (G).

<sup>9</sup> R.C. 3745.63(E); 7 U.S.C. 136, *et seq.*

<sup>10</sup> R.C. 3745.65(D).

- A brief description of the product, including a universal product code, stock keeping unit, or other numeric code assigned to the product;
- The purpose for which the PFAS is used in the product;
- The amount of each PFAS in the product, identified by its chemical abstracts service registry number, and reported as an exact quantity determined using commercially available analytical methods, or reported as falling within a range approved for reporting purposes by the Director;
- The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer; and
- Any additional information requested by the Director, as necessary, provided that the Director cannot require disclosure of records, reports, or information, or particular parts of records, reports, or information, that would divulge confidential business records, methods, or processes that the manufacturer demonstrates is entitled to protection as a trade secret.

A manufacturer of a product for sale in Ohio that contains an intentionally added PFAS must submit the above information to the Director not later than January 1, 2027. Beginning January 1, 2028, a manufacturer cannot sell a product containing an intentionally added PFAS unless the manufacturer has submitted the required information on the product to the Director.

The Director must notify the manufacturer if adequate information has been received or if additional information is required not later than 60 days after receiving the information. Any additional information must be submitted to the Director not later than 30 days after the additional information request. A manufacturer must submit a revision of the information provided about a product not later than 30 days after a significant change to the information that was previously submitted, or upon request of the Director.

A manufacturer may, with written approval of the Director, provide the information required above to the Director for a category, type of product, or product component.

Additionally, the bill allows the Director to: (1) waive an obligation of a manufacturer or group of manufacturers to submit all or part of the required information for a product, multiple products, or a product category if the Director determines that substantially equivalent information is publicly available, (2) extend the deadline for a manufacturer to submit the required information upon the Director's determination that circumstances merit an extension of time, or (3) enter into an agreement with one or more states or political subdivisions of a state to collect and share the above required information and to accept such information as meeting the above information submission requirements.<sup>11</sup>

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<sup>11</sup> R.C. 3745.64(A), (B), and (D) to (J).

## PFAS product testing

If the EPA Director has reason to believe that a product containing intentionally added PFAS is for sale in Ohio and such sale is prohibited, the Director may direct the manufacturer of that product to provide testing results that demonstrate the amount of each PFAS in the product, if any, within 30 days. The manufacturer must identify any PFAS as an exact quantity determined using commercially available analytical methods, or as falling within a range approved for reporting purposes by the Director. After testing, the manufacturer must proceed as follows:

- If testing demonstrates that the product *does not contain* an intentionally added PFAS, the manufacturer must provide the Director with a certificate of compliance attesting that the product does not contain an intentionally added PFAS. The manufacturer also must submit the testing results and any other relevant information requested by the Director.
- If testing demonstrates that the product *does contain* an intentionally added PFAS, the manufacturer is required to do both of the following:
  - Provide the Director with the information required for the product within 30 days. Beginning January 1, 2028, a manufacturer is prohibited from selling a product where testing demonstrates that the product contains an intentionally added PFAS if the manufacturer failed to provide the Director with the required information.
  - Notify each person that sells the product in Ohio that the sale of the product is prohibited, and provide the Director with a list of the names and addresses of the notified persons.<sup>12</sup>

## Other EPA rules

### Required rules

In addition to the rules described above, the EPA Director is also required by the bill to adopt rules in accordance with the Administrative Procedure Act that do all of the following:

- Exempt any product that has been designated as having a currently unavoidable use from the bill's reporting requirements;
- Create a series of ranges for the amount of a PFAS in a product that contains an intentionally added PFAS for reporting purposes unless the product is an exempt product;
- Except as otherwise provided in current law, require all of the following regarding firefighting foam:
  - A periodic inventory of firefighting foam quantities stored or used in Ohio;
  - The use of firefighting foam for emergency purposes only ("emergency purposes" does not include training or its use in fire suppression systems);

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<sup>12</sup> R.C. 3745.64(C) and 3745.65(A) to (C).

- The cleanup of discarded firefighting foam pursuant to the solid and hazardous wastes law.

Current law prohibits a person from using a class B firefighting foam containing intentionally added PFAS chemicals for training purposes. Existing law also generally prohibits the use of a class B firefighting foam containing intentionally added PFAS chemicals for testing purposes, except when required by law, regulation, or ordinance and the testing facility has implemented appropriate measures to prevent the foam's release into the environment. "Class B firefighting foam" is defined as a foam that is designed to extinguish a fire caused by flammable liquid.<sup>13</sup>

### **Permitted rules**

The EPA Director, in addition to rules described above, is permitted to adopt rules in accordance with the Administrative Procedure Act to carry out the bill, including:

- Requiring the labeling of products in English and Spanish;
- Prohibiting consumer products that contain an intentionally added PFAS by category or use upon a finding of fact that a prohibition on the product is necessary to protect human health or the environment. However, the EPA Director must consult with the Ohio Director of Agriculture prior to adopting such rules regarding a pesticide, fertilizer, agricultural liming materials, or plant or soil amendment that contains an intentionally added PFAS.<sup>14</sup>

### **Civil penalty**

A manufacturer that violates the bill's PFAS prohibitions, or a rule adopted or order issued pursuant to the bill, must pay a civil penalty of not more than \$15,000 for each violation. The civil penalty is to be paid into the state treasury to the credit of the General Revenue Fund. Each day that a violation continues constitutes a separate offense.

The Attorney General is required to bring a civil action for violating the bill's PFAS provisions against a manufacturer upon written request from the EPA Director. This civil action is governed by the Rules of Civil Procedure and other applicable civil action rules of practice and procedure.

Any civil penalties imposed on a manufacturer do not limit a manufacturer's liability in other causes of action.<sup>15</sup>

### **Atmospheric chemical release prohibition**

The bill prohibits a person from purposely injecting, releasing, or disbursing, by any means, chemicals, chemical compounds, substances, or apparatus within Ohio into the

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<sup>13</sup> R.C. 3745.66(A)(1), (2) and (4); R.C. 3737.52, not in the bill.

<sup>14</sup> R.C. 3745.66(B)(1)(a) and (b) and (C).

<sup>15</sup> R.C. 3745.67.

atmosphere with the express purpose of affecting temperature, weather, or the intensity of the sunlight.

A person who violates this prohibition is guilty of a fourth degree misdemeanor and must be fined \$10,000 for each violation. Each day of violation constitutes a separate offense. A fourth degree misdemeanor, under continuing law, includes a jail term of not more than 30 days.<sup>16</sup>

## Food additives

Ohio's Pure Food and Drug Law currently establishes conditions for when food is considered adulterated. Those conditions include the following:

1. It bears or contains any poisonous or deleterious substance that may render it injurious to health; but, in circumstances when the substance is not an added substance, the food is not considered adulterated if the quantity of the substance in the food does not ordinarily render it injurious to health;
2. It consists in whole or in part of a diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; and
3. Its container is composed, in whole or in part, of any poisonous or deleterious substance that may render the contents injurious to health.<sup>17</sup>

Current law prohibits, in part, the manufacture, sale, delivery, holding, or offering for sale of any food that is adulterated. A person who violates the prohibition is guilty of a fourth degree misdemeanor on a first offense and a second degree misdemeanor on each subsequent offense.<sup>18</sup>

Under the bill, food is adulterated within the meaning of the Pure Food and Drug Law if any of the following applies:

1. It bears or contains:
  - a. Titanium dioxide;
  - b. Brominated vegetable oil;
  - c. Potassium bromate;
  - d. Propylparaben;
  - e. Azodicarbonamide;
  - f. Butylated hydroxytoluene (BHT); and
  - g. Butylated hydroxyanisole.
2. It bears or contains:

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<sup>16</sup> R.C. 3704.21 and 3704.99; R.C. 2929.24, not in the bill.

<sup>17</sup> R.C. 3715.59, not in the bill.

<sup>18</sup> R.C. 3715.52(A)(1) and 3715.99(D), not in the bill.

- a. Red dye 3 or erythrosine;
- b. Red dye 40;
- c. Yellow dye 5 or tartrazine;
- d. Yellow dye 6 or sunset yellow;
- e. Blue dye 1;
- f. Blue dye 2 or indigotine or indigo carmine; and
- g. Green dye 3.<sup>19</sup>

## Fluoride in drinking water supply

The bill authorizes, rather than requires as under current law, a public water system to add fluoride to the water supplied by the system if the fluoride is below 0.8 mgs per liter of water.<sup>20</sup>

Continuing law defines a “public water system” as a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if the system has at least 15 service connections or regularly serves at least 25 individuals. “Public water system” includes:

1. Any collection, treatment, storage, and distribution facilities under control of the operator of the system and used primarily in connection with the system;
2. Any collection or pretreatment storage facilities not under such control that are used primarily in connection with the system; and
3. Any water supply system serving an agricultural labor camp as defined in current law.<sup>21</sup>

## Bill title

The bill is entitled the “Protecting Utility and Resources for Enhanced Living, Improved Food, and Environment Act.”<sup>22</sup>

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## HISTORY

Action	Date
Introduced	05-13-25

ANHB0272IN-136/ts

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<sup>19</sup> R.C. 3715.591.

<sup>20</sup> R.C. 6109.20.

<sup>21</sup> R.C. 6109.01(A), not in the bill.

<sup>22</sup> Section 3.