As Introduced

131st General Assembly

Regular Session 2015-2016 H. B. No. 400

Representatives Patterson, Smith, K.

Cosponsors: Representatives Ramos, Sheehy, Antonio, Phillips, Bishoff

A BILL

| Т | o amend section 3715.99 and to enact sections | 1 |
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| | 3715.522, 3715.523, and 3715.524 of the Revised | 2 |
| | Code to prohibit the manufacture and sale of | 3 |
| | microbeads, and to create a consumer education | 4 |
| | program about best practices for microbeads. | 5 |

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

| Section 1. That section 3715.99 be amended and sections | 6 |
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| 3715.522, 3715.523, and 3715.524 of the Revised Code be enacted | 7 |
| to read as follows: | 8 |
| Sec. 3715.522. (A) As used in this section and sections 3715.523 and 3715.524 of the Revised Code: | 9 10 |
| (1) "Microbeads" means micro-polymer particles, less than | 11 |
| five millimeters in diameter, that are made of synthetic or | 12 |
| semi-synthetic polymeric materials such as polyethylene, | 13 |
| polypropylene, polyethylene terephthalate, polymethyl | 14 |
| methacrylate, or a combination of such polymers. | 15 |
| (2) "Personal care products" means consumer products | 16 |
| manufactured for use in personal hygiene and beautification, | 17 |
| including anti-bacterial soaps, hand soaps, bar soaps, liquid | 18 |

| soaps, body washes, lotions, moisturizers, facial and body | 19 | |
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| cleansers, facial masks, exfoliating facial scrubs, sunscreens, | | |
| acne treatment products, shampoos, conditioners, toothpastes, | 21 | |
| shaving creams and gels, and foot care products. | 22 | |
| (B) No person, firm, partnership, association, limited_ | 23 | |
| liability company, or corporation shall knowingly produce or_ | 23 | |
| manufacture in this state any cosmetics or personal care | 25 | |
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| products containing microbeads. | 20 | |
| (C) The director of agriculture may adopt such rules in | 27 | |
| accordance with Chapter 119. of the Revised Code as the director | 28 | |
| considers necessary to implement this section. | 29 | |
| Sec. 3715.523. (A) No person, firm, partnership, | 30 | |
| association, limited liability company, or corporation shall | 31 | |
| knowingly sell or offer for sale at retail or wholesale in this | 32 | |
| state any cosmetics or personal care products containing | | |
| microbeads. | | |
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| (B) The director of agriculture may adopt such rules in | 35 | |
| accordance with Chapter 119. of the Revised Code as the director | 36 37 | |
| considers necessary to implement this section. | | |
| Sec. 3715.524. (A) Subject to division (C) of this | 38 | |
| section, the director of agriculture, the director of | 39 | |
| environmental protection, the director of natural resources, and | 40 | |
| the director of health shall jointly adopt rules in accordance | 41 | |
| with Chapter 119. of the Revised Code to develop and implement a | 42 | |
| consumer education program to educate the public about best | 43 | |
| practices for microbeads, including all of the following | 44 | |
| information: | | |
| (1) How to properly dispose of cosmetics and personal care | 46 | |
| products containing microbeads; | 47 | |
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| (2) Alternatives to cosmetics and personal care products | 48 |
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| that contain microbeads; | 49 |
| (3) Other information the directors consider necessary. | 50 |
| (B)(1) The information listed in division (A) of this | 51 |
| section shall be made available by the directors on the internet | 52 |
| web sites maintained by the department of agriculture, the | 53 |
| environmental protection agency, the department of natural | 54 |
| resources, and the department of health. | 55 |
| (2) The directors may disburse the information listed in | 56 |
| division (A) of this section by any other methods the directors | 57 |
| deem appropriate. | |
| (C) The directors shall jointly evaluate the need for the | 59 |
| consumer education program ten years after the program is | 60 |
| established. If the directors conclude that the program is no | 61 |
| longer needed, the program shall be terminated. | 62 |
| Sec. 3715.99. (A) Whoever violates sections 3715.13 to | 63 |
| 3715.19, or 3715.38 of the Revised Code is guilty of a minor | |
| misdemeanor. | 65 |
| (B) Whoever violates section 3715.22, 3715.25, 3715.27, or | 66 |
| 3715.34 of the Revised Code is guilty of a misdemeanor of the | 67 |
| fourth degree. | 68 |
| (C) Whoever violates section 3715.23 or 3715.36 of the | 69 |
| Revised Code is guilty of a misdemeanor of the second degree. | 70 |
| (D) Whoever violates section 3715.52 or 3715.65 of the | 71 |
| Revised Code is guilty of a misdemeanor of the fourth degree on | 72 |
| a first offense; on each subsequent offense, the person is | 73 |
| guilty of a misdemeanor of the second degree. | 74 |
| (E) Whoever violates section 3715.521 of the Revised Code | 75 |

is guilty of a minor misdemeanor. A violation of that section 76
occurs on a daily basis, not according to the number of times 77
per day that an expired drug, baby food, or infant formula is 78
sold, offered for sale, or delivered at retail or to the 79
consumer. Each day of violation is a separate offense. 80

(F) Whoever violates section 3715.522 or 3715.523 of the Revised Code shall be subject to a civil fine of not more than one thousand dollars for each day during which the violation occurs. Each subsequent violation shall subject the offender to a civil fine not to exceed two thousand five hundred dollars for each day in which the violation occurs.

Section 2. That existing section 3715.99 of the Revised Code is hereby repealed.

Section 3. Section 1 of this act, except for section 89 3715.523 of the Revised Code and the amendments to section 90 3715.99 of the Revised Code relating to section 3715.523 of the 91 Revised Code, shall take effect December 31, 2017. Section 92 3715.523 of the Revised Code, as enacted by this act, and the 93 amendments to section 3715.99 of the Revised Code relating to 94 section 3715.523 of the Revised Code, shall take effect December 95 31, 2018. 96

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