

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 718

Representatives Davis, Crossman

Cosponsors: Representatives Denson, Sobecki, Lepore-Hagan, Miller, A.,  
Weinstein, Ingram, Smith, K., Miranda, Brent, Troy, Upchurch, Sweeney

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A BILL

To amend section 1345.99 and to enact section 1  
1345.033 of the Revised Code to prohibit price 2  
gouging of infant formula and to declare an 3  
emergency. 4

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

**Section 1.** That section 1345.99 be amended and section 5  
1345.033 of the Revised Code be enacted to read as follows: 6

**Sec. 1345.033.** (A) For any period for which there is a 7  
shortage of infant formula, no supplier shall sell or offer to 8  
sell in any part of this state any infant formula at a rate or 9  
price that is more than five per cent above the rate or price 10  
charged by the supplier for the same or similar good immediately 11  
prior to the covered period. 12

(B) The federal "Defense Production Act of 1950," 50 13  
U.S.C. 4511, being invoked regarding the production of infant 14  
formula is evidence of a shortage of infant formula. 15

(C) Any violation of division (A) of this section shall be 16  
considered an unconscionable act or practice in connection with 17

a consumer transaction under section 1345.03 of the Revised Code. 18  
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**Sec. 1345.99.** (A) Whoever violates section 1345.23 or 1345.24 of the Revised Code is guilty of a minor misdemeanor. 20  
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(B) Whoever violates division (C) of section 1345.30 or division (D) of section 1345.76 of the Revised Code shall be fined not more than one thousand dollars. 22  
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(C) Whoever knowingly violates division (E) of section 1345.02 or knowingly violates section 1345.18 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense. 25  
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(D) Whoever recklessly violates section 1345.032 of the Revised Code shall be fined the following: 30  
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(1) For the first violation, not more than one hundred dollars for each solicitation document distributed; 32  
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(2) For any subsequent violation, not more than two hundred dollars for each solicitation document distributed. 34  
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(E) Whoever negligently violates section 1345.022 of the Revised Code shall be fined not more than one thousand dollars. 36  
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(F) Whoever recklessly violates division (A) of section 1345.033 of the Revised Code is guilty of a misdemeanor of the first degree. 38  
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**Section 2.** That existing section 1345.99 of the Revised Code is hereby repealed. 41  
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**Section 3.** Section 1345.99 of the Revised Code is presented in this act as a composite of the section as amended 43  
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by both H.B. 52 and S.B. 223 of the 132nd General Assembly. The 45  
General Assembly, applying the principle stated in division (B) 46  
of section 1.52 of the Revised Code that amendments are to be 47  
harmonized if reasonably capable of simultaneous operation, 48  
finds that the composite is the resulting version of the section 49  
in effect prior to the effective date of the section as 50  
presented in this act. 51

**Section 4.** This act is hereby declared to be an emergency 52  
measure necessary for the immediate preservation of the public 53  
peace, health, and safety. The reason for such necessity is to 54  
protect consumers and infants impacted by the current supply 55  
shortage of infant formula. Therefore, this act shall go into 56  
immediate effect. 57