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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research and Drafting

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# Substitute Bill Comparative Synopsis

**Sub. H.B. 272**

**136th General Assembly**

House General Government

Jeff Grim, Research Analyst

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

| H.B. 272 (As Introduced) | Sub. H.B. 272 (I_136_0401-5) |
|---|---|
| **Per- and polyfluoroalkyl substances (PFAS) – prohibition against intentionally added PFAS** | |
| Allows the Director of Environmental Protection (EPA Director), until January 1, 2032, to adopt rules prohibiting a manufacturer from selling a consumer product containing an intentionally added PFAS that is in addition to the explicitly prohibited products specified under the bill *(R.C. 3745.63(D)).* | Eliminates the January 1, 2032, time limit by which the EPA Director may adopt rules *(R.C. 3745.63).* |
| Prohibits a manufacturer, beginning January 1, 2032, from selling a product containing an intentionally added PFAS unless the EPA | No provision. |

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| Director has adopted a rule providing that the use of PFAS in that product is a currently unavoidable use *(R.C. 3745.63(C)).* | |
| **PFAS - prohibition exemption** | |
| Exempts certain products from the bill's prohibitions against a manufacturer selling a consumer product containing an intentionally added PFAS (*R.C. 3745.62*). | Adds to the list of exemptions a product that is required to meet standards or requirements of the U.S. Department of Transportation, the FAA, NASA, the U.S. Department of Defense, or the U.S. Department of Homeland Security *(R.C. 3745.62(Q))*. |
| **PFAS – product information** | |
| Requires the EPA Director to adopt rules that require a manufacturer to submit the following information to the Director for a product that contains an intentionally added PFAS:<br>1. A brief description of the product, including a universal product code, stock keeping unit, or other numeric code assigned to the product;<br>2. The purpose for which the PFAS is used in the product;<br>3. 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;<br>4. The name and address of the manufacturer, and the name, address, and telephone number of a contact person for the manufacturer; and<br>5. Any additional information requested by the Director, as necessary, provided that the Director must not require disclosure of records, reports, or information, or particular | No provision. |

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| 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 *(R.C. 3745.64(A))*. | |
| Requires a manufacturer of a product for sale in Ohio that contains an intentionally added PFAS to, by January 1, 2027, submit to the EPA Director the information required by the above rules ("required information") *(R.C. 3745.64(B)).* | No provision. |
| Requires a manufacturer, if testing demonstrates that the product contains an intentionally added PFAS, to provide the EPA Director, within 30 days of the testing, the required information *(R.C. 3745.65(C)).* | No provision. |
| **PFAS – prohibitions against including intentionally added PFAS** | |
| Prohibits a manufacturer, beginning January 1, 2028, from doing either of the following:<br>1. Selling a product if testing requested by the EPA Director demonstrates that the product contains an intentionally added PFAS and that the manufacturer failed to provide to the Director the required information; or<br>2. Selling a product that contains an intentionally added PFAS unless the manufacturer has submitted to the Director the required information *(R.C. 3745.64(C) and (D)).* | No provision. |
| **PFAS – revision of information** | |
| Requires a manufacturer to submit a revision of the required information provided about a product within 30 days of a significant | No provision. |

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| change to the information that the manufacturer previously submitted or upon the request of the EPA Director *(R.C. 3745.64(E))*. | |
| **PFAS – provision of information** | |
| Allows a manufacturer, upon the EPA Director's written approval, to provide the required information to the Director for a category, type of product, or product component *(R.C. 3745.64(F))*. | No provision. |
| **PFAS – EPA Director's authority** | |
| Authorizes the EPA Director to do all of the following:<br>1. Waive the obligation of a manufacturer to submit all or part of the required information if the Director determines that substantially equivalent information is publicly available;<br>2. Extend the deadline for a manufacturer to submit the required information upon a determination by the Director that circumstances merit an extension of time;<br>3. Enter into an agreement with one or more states or political subdivisions of a state to collect and share information otherwise required to be submitted *(R.C. 3745.64(G) to (I))*. | No provision. |
| **PFAS – EPA Director's duties** | |
| Requires the EPA Director, within 60 days of receiving the required information from a manufacturer to notify the manufacturer that adequate information has been received or that additional information is required *(R.C. 3745.64(J))*. | No provision. |

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| Requires a manufacturer to submit to the EPA Director any additional information requested by the Director within 30 days of the request. *(R.C. 3745.64(J)).* | No provision. |
| **PFAS – reporting requirement** | |
| No provision. | Requires the EPA Director, by January 1, 2032, to submit a report to the Governor and the General Assembly regarding the implementation of the bill's provisions governing PFAS, and other state and federal laws governing PFAS-added products *(R.C. 3745.68(A)).* |
| No provision. | Requires the EPA Director to include all of the following in the report:<br>1. Information on PFAS use in commercial and industrial products and processes in Ohio;<br>2. A review of implementation costs for the bill's provisions governing PFAS; and<br>3. Any recommendations for legislative changes *(R.C. 3745.68(A))*. |
| No provision. | Authorizes the EPA Director to make recommendations in the report as to any further necessary actions regarding PFAS use in commercial and industrial products and processes in Ohio *(R.C. 3745.68(B)).* |
| No provision. | Requires the EPA Director, in preparation of the report, to review both of the following:<br>1. Relevant data available through the U.S. EPA reporting requirements for PFAS use pursuant to the federal Toxic Substances Control Act; and |

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| | 2. Relevant data made available through reporting requirements for PFAS-added products in other states and Canada *(R.C. 3745.68(C))*. |
| **PFAS - labeling** | |
| Allows the EPA Director to adopt rules to carry out the bill's provisions governing PFAS, including requiring the labeling of products in English and Spanish (*R.C. 3745.66(B)(1)(a)*). | Eliminates the reference to requiring the labeling of products in English and Spanish *(R.C. 3745.66(B)(1)(a))*. |
| **Atmospheric chemical release** | |
| 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 *(R.C. 3704.21)*. | No provision. |
| Imposes a fourth degree misdemeanor and a $10,000 fine for each violation of the above prohibition *(R.C. 3704.99(H))*. | No provision. |
| **Food additives considered adulterated food** | |
| Prohibits the manufacture, sale, delivery, holding, or offering for sale of food under Ohio's Pure Food and Drug Law if any of the following applies:<br>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.<br>2. It bears or contains: (a) red dye 3 or erythrosine, (b) red dye 40, (c) yellow dye 5 or tartrazine, (d) yellow dye 6 or sunset | No provision. |

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| yellow; (e) blue dye 1, (f) blue dye 2 or indigotine or indigo carmine, and (g) green dye 3 *(R.C. 3715.591)*. | |
| **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 *(R.C. 6109.20).* | No provision. |

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