

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

To amend section 3715.99 and to enact sections 1
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
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 9
3715.523 and 3715.524 of the Revised Code: 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
cleansers, facial masks, exfoliating facial scrubs, sunscreens, 20
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 24
manufacture in this state any cosmetics or personal care 25
products containing microbeads. 26

(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 33
microbeads. 34

(B) The director of agriculture may adopt such rules in 35
accordance with Chapter 119. of the Revised Code as the director 36
considers necessary to implement this section. 37

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: 45

(1) How to properly dispose of cosmetics and personal care 46
products containing microbeads; 47

(2) Alternatives to cosmetics and personal care products 48
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. 58

(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 64
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 81
Revised Code shall be subject to a civil fine of not more than 82
one thousand dollars for each day during which the violation 83
occurs. Each subsequent violation shall subject the offender to 84
a civil fine not to exceed two thousand five hundred dollars for 85
each day in which the violation occurs. 86

Section 2. That existing section 3715.99 of the Revised 87
Code is hereby repealed. 88

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