

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 529

Representative Young, T.

Cosponsors: Representatives Barhorst, King, Robb Blasdel

A BILL

To amend section 3704.99 and to enact sections 1
3704.21, 3704.22, and 3704.23 of the Revised 2
Code to prohibit a person from engaging in solar 3
radiation modification and to name the act the 4
Atmosphere Protection Act. 5

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

Section 1. That section 3704.99 be amended and sections 6
3704.21, 3704.22, and 3704.23 of the Revised Code be enacted to 7
read as follows: 8

Sec. 3704.21. As used in sections 3704.21 to 3704.23 of 9
the Revised Code: 10

(A) "Pollutant" means any aerosol; biologic, 11
transbiologic, or genetically modified agent; chaff; metal; 12
radioactive material; acid; alkali; chemical; particulate; 13
contaminant; smart dust; smoke; soot; fume; vapor; air pollutant 14
regulated by this state; mechanical vibration or other physical 15
agent; waste, including materials that may be recycled, 16
reconditioned, or reclaimed; solid, liquid, gaseous, or thermal 17
irritant; or artificially produced electric field, magnetic 18

field, electromagnetic field, electromagnetic pulse, sound wave, 19
sound pollution, light pollution, microwave, or ionizing or non- 20
ionizing radiation. 21

(B) "Solar radiation modification" means an experiment in 22
the earth's climatic system involving the release of pollutants 23
that reduces the amount of sunlight reaching the earth's 24
surface. 25

Sec. 3704.22. No person shall engage in solar radiation 26
modification in this state, including through the use of an 27
aircraft, balloon, space-based platform, or interoperable 28
ground-based facility. 29

A violation of this section is a strict liability offense 30
and section 2901.20 of the Revised Code does not apply. 31

Sec. 3704.23. (A) The director of environmental protection 32
shall adopt policies that encourage the public to monitor, 33
measure, document, and report present, potential, and past 34
incidents that may constitute solar radiation modification. 35

(B) The director shall adopt policies and procedures to 36
aid the public in reporting and presenting evidence of solar 37
radiation modification or attempted solar radiation 38
modification. 39

(C) The director shall investigate any report of solar 40
radiation modification or attempted solar radiation 41
modification. 42

(D) The director shall issue a cease-and-desist order to a 43
person who the director determines is conducting or attempting 44
to conduct solar radiation modification. No person shall fail to 45
comply with a cease and desist order issued under this division. 46

A violation of this division is a strict liability offense 47
and section 2901.20 of the Revised Code does not apply. 48

Sec. 3704.99. (A) Whoever recklessly violates division 49
(A), (B), (C), (D), (E), (F), (G), or (I) of section 3704.05 or 50
division (B) (5) of section 3704.16 of the Revised Code shall be 51
fined not more than twenty-five thousand dollars or imprisoned 52
not more than one year, or both, for each violation. Each day 53
the violation continues after a conviction for a violation is a 54
separate offense. 55

(B) Whoever knowingly violates division (H), (J), or (K) 56
of section 3704.05 of the Revised Code shall be fined not more 57
than ten thousand dollars for each day of each such violation. 58

(C) Whoever violates section 3704.15 of the Revised Code 59
is guilty of a misdemeanor of the first degree. 60

(D) Whoever violates division (B) (2) or knowingly violates 61
division (C) (1) of section 3704.16 of the Revised Code is guilty 62
of a minor misdemeanor. 63

(E) Whoever violates division (B) (1) or (3) or knowingly 64
violates division (C) (2) or (3) of section 3704.16 of the 65
Revised Code shall be fined not less than five hundred nor more 66
than twenty-five hundred dollars for each day of each violation. 67

(F) Whoever recklessly violates division (B) (4) of section 68
3704.16 of the Revised Code shall be fined not more than twenty- 69
five thousand dollars or imprisoned not more than one year, or 70
both, for each violation. Each day the violation continues after 71
a conviction for a violation is a separate offense. 72

(G) The sentencing court, in addition to the penalty 73
provided in divisions (D), (E), and (F) of this section, shall 74
order the offender to restore within thirty days any emission 75

control system that was tampered with in connection with the 76
violation or to provide proof that the motor vehicle whose 77
emission control system was tampered with has been dismantled or 78
destroyed. The court may extend that deadline for good cause 79
shown. If the offender does not take the corrective action 80
ordered under this division, each day that the violation 81
continues is a separate offense. Violation of a court order 82
entered under this division is punishable as contempt under 83
Chapter 2705. of the Revised Code. 84

(H) Whoever violates section 3704.22 of the Revised Code 85
or division (D) of section 3704.23 of the Revised Code shall be 86
fined not less than five hundred thousand dollars or imprisoned 87
not less than three years, or both, for each violation. Each day 88
of violation constitutes a separate offense. 89

Section 2. That existing section 3704.99 of the Revised 90
Code is hereby repealed. 91

Section 3. This act shall be known as the Atmosphere 92
Protection Act. 93