

As Introduced

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H. B. No. 480

Representatives Driehaus, Ramos

**Cosponsors: Representatives Murray, Hagan, R., Antonio, Patmon, Garland,
Gerberry, Letson, Yuko, Foley, Reece, Phillips, Fende**

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A B I L L

To amend sections 3701.132 and 3701.83 and to enact 1
sections 329.044, 3701.66, and 3701.67 of the 2
Revised Code regarding the possible hazards of 3
fetal exposure to the chemical bisphenol-A (BPA). 4

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

Section 1. That sections 3701.132 and 3701.83 be amended and 5
sections 329.044, 3701.66, and 3701.67 of the Revised Code be 6
enacted to read as follows: 7

Sec. 329.044. As used in this section, "public assistance 8
recipient" means an individual who is receiving cash assistance or 9
services under any of the following programs: medicaid; Ohio works 10
first; prevention, retention, and contingency; and supplemental 11
nutrition assistance. 12

A county department of job and family services shall provide 13
to each public assistance recipient who is pregnant or believes 14
she may be pregnant a copy of the publications on fetal exposure 15
to the chemical bisphenol-A (BPA) made available by the department 16
of health under section 3701.67 of the Revised Code. The county 17
department shall provide the copy of the publications regarding 18

BPA as early in the public assistance recipient's pregnancy as possible. 19
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Sec. 3701.132. The department of health is hereby designated 21
as the state agency to administer the "special supplemental 22
nutrition program for women, infants, and children" (WIC) 23
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 24
42 U.S.C. 1786, as amended. The public health council may adopt 25
rules pursuant to Chapter 119. of the Revised Code as necessary 26
for administering the program. The rules may include civil money 27
penalties for violations of the rules. 28

In determining eligibility for services provided under the 29
program, the department may use the application form established 30
under section 5111.013 of the Revised Code for the healthy start 31
program. The department may require applicants to furnish their 32
social security numbers. 33

The department shall require each agency it authorizes to 34
serve as a WIC clinic to provide to each WIC recipient who is 35
pregnant or believes she may be pregnant a copy of the 36
publications on fetal exposure to the chemical bisphenol-A (BPA) 37
made available by the department under section 3701.67 of the 38
Revised Code. The department shall require the WIC clinic to 39
provide the copy of the publications regarding BPA as early in the 40
WIC recipient's pregnancy as possible. 41

If the department determines that a vendor has committed an 42
act with respect to the program that federal statutes or 43
regulations or state statutes or rules prohibit, the department 44
shall take action against the vendor in the manner required by 7 45
C.F.R. part 246, including imposition of a civil money penalty in 46
accordance with 7 C.F.R. 246.12, or rules adopted under this 47
section. 48

Sec. 3701.66. (A) No person shall sell or offer for sale any 49
of the following that contains the chemical bisphenol-A (BPA): 50
baby bottles, pacifiers, and drinking glasses or cups intended for 51
use by children younger than five years of age. 52

(B) If the director of health determines that any person has 53
violated division (A) of this section, the director shall impose a 54
fine of five thousand dollars on the violator for a first offense. 55
The fine for each subsequent offense shall be increased by fifty 56
per cent of the fine imposed for the immediately preceding 57
offense. 58

(C) On the request of the director, the attorney general 59
shall bring and prosecute to judgment a civil action to collect 60
any fine imposed under division (B) of this section that remains 61
unpaid. 62

(D) All fines collected under this section shall be deposited 63
into the state treasury to the credit of the general operations 64
fund created under section 3701.83 of the Revised Code. The fines 65
shall be used for purposes of section 3701.67 of the Revised Code, 66
except that if the fines exceed the amounts needed for purposes of 67
that section, the surplus may be used for other purposes of the 68
department of health. 69

Sec. 3701.67. (A) As used in this section: 70

(1) "Health care professional" means all of the following: 71

(a) A person authorized under Chapter 4731. of the Revised 72
Code to practice medicine and surgery or osteopathic medicine and 73
surgery; 74

(b) A person authorized under Chapter 4730. of the Revised 75
Code to practice as a physician assistant; 76

(c) A person authorized under Chapter 4723. of the Revised 77

<u>Code to practice as a registered nurse, including as a certified</u>	78
<u>nurse-midwife, clinical nurse specialist, or certified nurse</u>	79
<u>practitioner;</u>	80
<u>(d) A person authorized under Chapter 4723. of the Revised</u>	81
<u>Code to provide services as a certified community health worker;</u>	82
<u>(e) A person authorized under Chapter 4757. of the Revised</u>	83
<u>Code to practice as an independent social worker, social worker,</u>	84
<u>professional clinical counselor, professional counselor,</u>	85
<u>independent marriage and family therapist, or marriage and family</u>	86
<u>therapist;</u>	87
<u>(f) A person authorized under Chapter 4732. of the Revised</u>	88
<u>Code to practice as a psychologist or school psychologist;</u>	89
<u>(g) A person authorized under Chapter 3319. of the Revised</u>	90
<u>Code to practice as a school psychologist;</u>	91
<u>(h) Any other person authorized under the Revised Code to</u>	92
<u>engage in the practice of a health care profession considered by</u>	93
<u>the department of health to be a profession that has substantial</u>	94
<u>contact with patients or clients who are pregnant.</u>	95
<u>(2) "Health care provider" means all of the following:</u>	96
<u>(a) A health care professional;</u>	97
<u>(b) A health department operated by the board of health of a</u>	98
<u>city or general health district or the authority having the duties</u>	99
<u>of a board of health under section 3709.05 of the Revised Code;</u>	100
<u>(c) A health center operated by a school that provides</u>	101
<u>services to students of childbearing age;</u>	102
<u>(d) A clinic or any other facility where prenatal care is</u>	103
<u>provided.</u>	104
<u>(B) The department of health, on its internet web site, shall</u>	105
<u>make available publications that contain standardized, objective</u>	106
<u>information about the possible health effects and other hazards of</u>	107

fetal exposure to the chemical bisphenol-A (BPA). The department 108
shall make the publications available in a format that is suitable 109
for both printing and downloading by health care providers and any 110
other person seeking information about BPA. 111

(C) The department shall encourage health care providers to 112
distribute either printed or electronic copies of the publications 113
described in division (B) of this section to all of their patients 114
or clients who are pregnant. In doing so, the department shall 115
recommend that the publications be distributed to each patient or 116
client as early in the pregnancy as possible. 117

Sec. 3701.83. (A) There is hereby created in the state 118
treasury the general operations fund. Moneys in the fund shall be 119
used for the purposes specified in sections 3701.04, 3701.344, 120
3701.66, 3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 121
3721.022, 3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 122
3748.13, 3749.04, 3749.07, 4747.04, 4751.04, and 4769.09 of the 123
Revised Code. 124

(B) The alcohol testing program fund is hereby created in the 125
state treasury. The director of health shall use the fund to 126
administer and enforce the alcohol testing and permit program 127
authorized by section 3701.143 of the Revised Code. 128

The fund shall receive transfers from the liquor control fund 129
created under section 4301.12 of the Revised Code. All investment 130
earnings of the alcohol testing program fund shall be credited to 131
the fund. 132

Section 2. That existing sections 3701.132 and 3701.83 of the 133
Revised Code are hereby repealed. 134