



Ohio Legislative Service Commission

Bill Analysis

Amy J. Rinehart

H.B. 480

129th General Assembly
(As Introduced)

Reps. Driehaus and Ramos, Murray, R. Hagan, Antonio, Patmon, Garland, Gerberry, Letson, Yuko, Foley, Reece, Phillips, Fende

BILL SUMMARY

- Requires the Department of Health to make available on its web site publications containing standardized, objective information about the possible health effects and other hazards of fetal exposure to the chemical bisphenol-A (BPA).
- Requires the Department to encourage health care providers to distribute copies of those publications to all of their pregnant patients or clients and recommend that the publications be distributed as early in pregnancy as possible.
- Requires a county department of job and family services to provide to each public assistance recipient who is pregnant or believes she may be pregnant a copy of the publications as early in the recipient's pregnancy as possible.
- Requires each agency that is authorized by the Department to serve as a clinic for the Special Supplemental Program for Women, Infants, and Children (WIC) to provide to each WIC recipient who is pregnant or believes she may be pregnant a copy of the publications as early in the recipient's pregnancy as possible.
- Prohibits any person from selling or offering to sell any of the following that contain BPA: (1) baby bottles, (2) pacifiers, and (3) drinking glasses or cups intended for use by children under age five.
- Establishes fines for violating the bill's prohibitions and specifies how the fines are to be used.

CONTENT AND OPERATION

Publications on fetal exposure to bisphenol-A (BPA)

The bill requires the Department of Health to make available on its web site publications containing standardized, objective information about the possible health effects and other hazards of fetal exposure to the chemical bisphenol-A (BPA). The Department must make the publications available in a format that is suitable for both printing and downloading by health care providers and any other person seeking information about BPA.¹

Distribution of publications to pregnant women

The Department is required by the bill to encourage health care providers to distribute either printed or electronic copies of the publications to all of their pregnant patients or clients and to recommend that the publications be distributed as early in pregnancy as possible.²

The bill defines "health care provider" as all of the following: (1) a health care professional, (2) a health department operated by the board of health of a city or general health district or having the duties of a board of health, (3) a health center operated by a school that provides services to students of childbearing age, and (4) a clinic or any other facility where prenatal care is provided.³ "Health care professional" is defined as (1) a physician, (2) a physician assistant, (3) a registered nurse, including a certified nurse-midwife, clinical nurse specialist, or certified nurse practitioner, (4) a certified community health worker, (5) an independent social worker, social worker, professional clinical counselor, professional counselor, independent marriage and family therapist, or marriage and family therapist, (6) a psychologist or school psychologist, and (7) any other person authorized under Ohio law to engage in the practice of a health care profession considered by the Department to be a profession that has substantial contact with patients or clients who are pregnant.⁴

The bill requires a county department of job and family services to provide to each public assistance recipient who is pregnant or believes she may be pregnant a copy of the Department's publications as early in the recipient's pregnancy as possible.

¹ R.C. 3701.67(B).

² R.C. 3701.67(C).

³ R.C. 3701.67(A)(2).

⁴ R.C. 3701.67(A)(1).

"Public assistance recipient" is defined as an individual who is receiving cash assistance or services under (1) Medicaid, (2) Ohio Works First, (3) the Prevention, Retention, and Contingency Program, or (4) the Supplemental Nutrition Assistance Program.⁵

The bill also requires each agency that is authorized by the Department to serve as a clinic for the Special Supplemental Program for Women, Infants, and Children (WIC) to provide to each WIC recipient who is pregnant or believes she may be pregnant a copy of the publications as early in the recipient's pregnancy as possible.⁶

Prohibition on sale of BPA-containing bottles and cups for children

The bill prohibits any person from selling or offering to sell any of the following that contain BPA: (1) baby bottles, (2) pacifiers, and (3) drinking glasses or cups intended for use by children under age five.⁷

The bill establishes the following administrative fines for violating the bill's prohibitions: (1) \$5,000 for a first offense and (2) an increase by 50% of the immediately preceding fine for each subsequent offense.⁸ The bill requires that the fines be credited to the Department's General Operations Fund. The fines must be used for the Department's creation and distribution of the publications on fetal exposure to BPA the bill requires, except that if the fines exceed the amount needed for the publications, any surplus may be used for other Department purposes.⁹

On request of the Director, the Attorney General must bring a civil action to collect any fines established by the bill that remain unpaid.¹⁰

HISTORY

ACTION	DATE
Introduced	03-13-12

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⁵ R.C. 329.044.

⁶ R.C. 3701.132.

⁷ R.C. 3701.66(A).

⁸ R.C. 3701.66(B).

⁹ R.C. 3701.66(D).

¹⁰ R.C. 3701.66(C).