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136th General Assembly
Regular Session
2025-2026

Sub. H. B. No. 272

To enact sections 3745.61, 3745.62, 3745.63,
3745.65, 3745.66, 3745.67, and 3745.68 of the
Revised Code to prohibit the use of
intentionally added PFAS in various products and
to name this act the Protecting Utility and
Resources for Enhanced Living, Improved Food,
and Environment Act.

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

Section 1. That sections 3745.61, 3745.62, 3745.63,
3745.65, 3745.66, 3745.67, and 3745.68 of the Revised Code be
enacted to read as follows:

Sec. 3745.61. As used in sections 3745.61 to 3745.68 of
the Revised Code:

(A) "Carpet or rug" means a fabric marketed or intended
for use as a floor covering.

(B) "Chemical" means a substance with a distinct molecular
composition or a group of structurally related substances and
includes the substances that form through breakdown,
decomposition, degradation, or metabolism of the substance.



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(C) "Cleaning product" means a finished product used for 19
general cleaning purposes, including any of the following: 20

(1) A polish or floor maintenance product; 21

(2) An air care product labeled for the intended use of 22
enhancing or conditioning the indoor environment by eliminating 23
unpleasant odors or freshening the air; 24

(3) An automotive maintenance product labeled for the 25
intended use of maintaining the appearance of a motor vehicle. 26

"Cleaning product" does not include automotive paint or 27
paint repair products. 28

(D) "Consumer product" means tangible personal property 29
that is distributed in commerce and normally used for personal, 30
family, or household use, including product categories that are 31
normally used in households but designed for or sold to 32
businesses, such as commercial carpet or floor waxes. 33

(E) "Cookware" means durable houseware items intended for 34
direct food contact and used to prepare, dispense, or store 35
food, foodstuffs, or beverages; 36

(F) "Cosmetic" means a product or product component, other 37
than soap, intended to be applied to the human body for 38
cleansing, beautifying, or promoting attractiveness. 39

(G) "Currently unavoidable use" means a use of PFAS that 40
the director of environmental protection has determined by rule 41
to be essential for health, safety, or the functioning of 42
society, and for which alternatives are not reasonably 43
available. 44

(H) "Fabric treatment" means a substance applied to fabric 45
for stain, grease, or water resistance, or flame retardance. 46

(I) "Feminine hygiene product" means a disposable or reusable product to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, discs, applicators, and menstruation cups. 47
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(J) "Firefighting foam" means an aqueous film-forming foam containing an intentionally added PFAS. 51
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(K) "Food packaging" means a container, unit package, intermediate package, or shipping container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage, including an individually assembled part of a food package. 53
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(L) "Intentionally added" means a PFAS deliberately added or used during the manufacture of a product in which the continued presence, at any level or concentration, of the PFAS is desired or expected in the final product or one of the product's components. 58
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(M) "Juvenile product" means a product designed or marketed for use by children under twelve years of age, including children's car seats, clothes, and toys, but does not include an electronic product, including: 63
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(1) Personal computers and any associated equipment; 67

(2) Audio and video equipment; 68

(3) Calculators; 69

(4) Wireless phones; 70

(5) Gaming consoles; 71

(6) Handheld devices incorporating a video screen and any associated peripheral device such as a mouse, keyboard, power 72
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supply unit, or power cord. 74

(N) "Manufacturer" means: 75

(1) A person, firm, association, partnership, corporation, 76
organization, combination, or a joint venture that creates, 77
produces, or assembles a product or whose brand name is affixed 78
to a product; 79

(2) In the case of a product imported into the United 80
States, an importer or first domestic distributor of the 81
product, provided that the entity or person that created, 82
produced, or assembled the product or whose brand name is 83
affixed to the product does not have an office or employees in 84
the United States. 85

(O) "Medical device" means an instrument, apparatus, 86
implement, machine, implant, in vitro reagent, or other similar 87
or related device, including any component or accessory, that is 88
a product regulated as a drug or medical device by the United 89
State food and drug administration under the "Federal Food, 90
Drug, and Cosmetic Act," 21 U.S.C. 301, et seq., and that 91
satisfies any of the following: 92

(1) It is recognized in an official compendium. 93

(2) It is intended for use in the diagnosis of disease or 94
other conditions or in the cure, mitigation, treatment, or 95
prevention of disease in a human or animal. 96

(3) It is intended to affect the structure or function of 97
the body of a human or an animal, does not achieve its principal 98
intended purposes through chemical action within or on the body 99
of a human or animal, and does not depend on being metabolized 100
for achievement of its principal intended purpose. 101

(P) "Official compendium" means a comprehensive, 102
authoritative listing of recognized medical devices, including 103
listings published by a federal regulatory body, that detail 104
specifications standards and accepted uses of medical devices. 105

(Q) "PFAS" has the same meaning as "per- and 106
polyfluoroalkyl substances or PFAS" in 40 C.F.R. 705.3. 107

(R) "Product" means an item created, produced, assembled, 108
packaged, or otherwise prepared for sale to consumers, including 109
a product component sold or distributed for personal, 110
residential, commercial, or industrial use, including for use in 111
making another product. 112

(S) "Sell" and "sale" includes offering for sale, 113
distributing, or distributing for sale directly or indirectly or 114
through intermediaries. 115

(T) "Ski wax" means a lubricant applied to the bottom of a 116
snow runner, including a ski or snowboard, to improve grip or 117
glide properties, and includes associated tuning products. 118

(U) "Textile" means an item made in whole or in part from 119
a natural or synthetic fiber, yarn, or fabric, including 120
leather, cotton, silk, jute, hemp, wool, viscose, nylon, or 121
polyester. 122

(V) "Textile furnishings" means a textile product made in 123
whole or part from a natural or synthetic fiber, yarn, or fabric 124
that is used as furniture or a decorative accessory. 125

(W) "Upholstered furniture" means furniture that is wholly 126
or partially stuffed with a filling material. 127

Sec. 3745.62. Section 3745.63 of the Revised Code does not 128
apply to any of the following: 129

(A) A product for which federal law governs the presence 130
of PFAS in the product in a manner that preempts state 131
authority. 132

(B) Used products offered for sale or resale. 133

(C) Medical devices or drugs, and the packaging of the 134
medical devices or drugs, that are regulated by the United 135
States food and drug administration, including prosthetic and 136
orthotic devices. 137

(D) Cooling, heating, ventilation, air conditioning, or 138
refrigeration equipment that contains intentionally added PFAS 139
or refrigerants listed as acceptable, subject to use conditions, 140
or subject to narrow use limits by the United States 141
environmental protection agency pursuant to the significant new 142
alternatives policy program, 40 C.F.R. 82, subpart G, provided 143
the equipment is for sale for the authorized use specified under 144
that program. 145

(E) A veterinary product and its packaging intended for 146
use in or on animals, including diagnostic equipment or test 147
kits, and the veterinary product's components and any product 148
that is a veterinary medical device, drug, biologic, or 149
parasiticide, or any product that is otherwise used in a 150
veterinary medical setting or in veterinary medical applications 151
that are regulated by or under the jurisdiction of any of the 152
following: 153

(1) The United States food and drug administration; 154

(2) The United States department of agriculture pursuant 155
to the federal "Virus-Serum-Toxin Act," 21 U.S.C. 151, et seq.; 156

(3) The United States environmental protection agency 157
pursuant to the "Federal Insecticide, Fungicide, and Rodenticide 158

Act," 7 U.S.C. 136, et seq., except that any such products 159
approved by the United States environmental protection agency 160
pursuant to that law for aerial and land application are not 161
exempt. 162

(F) A product developed or manufactured for the purpose of 163
public health or environmental or water quality testing. 164

(G) A motor vehicle or motor vehicle equipment regulated 165
under a federal motor vehicle safety standard, as defined in 49 166
U.S.C. 30102, except that the exemption does not apply to any 167
textile article or refrigerant that is included in or as a 168
component part of such products. 169

(H) Any other motor vehicle, including an off-highway 170
vehicle or specialty motor vehicle, such as an all-terrain 171
vehicle, a side-by-side vehicle, farm equipment, or a personal 172
assistive mobility device. 173

(I) A watercraft, aircraft, lighter-than-air aircraft, or 174
seaplane. 175

(J) A semiconductor, including semiconductors incorporated 176
in electric equipment, and materials used in the manufacture of 177
semiconductors. 178

(K) Non-consumer electronic and non-consumer laboratory 179
equipment not ordinarily used for personal, family, or household 180
purposes. 181

(L) A product that contains intentionally added PFAS with 182
uses that are currently listed as acceptable, acceptable subject 183
to use conditions, or acceptable subject to narrowed use limits 184
in the United States environmental protection agency's 185
regulations under the significant new alternatives policy 186
program, 40 C.F.R. 82, provided that the product contains PFAS 187

<u>that are being used as substitutes for ozone-depleting</u>	188
<u>substances under the conditions specified in the regulations.</u>	189
<u>(M) A product used for the generation, distribution, or</u>	190
<u>storage of electricity.</u>	191
<u>(N) Equipment directly used in the manufacture or</u>	192
<u>development of the products described in divisions (A) to (M) of</u>	193
<u>this section.</u>	194
<u>(O) A product for which the director of environmental</u>	195
<u>protection has adopted a rule providing that the use of the PFAS</u>	196
<u>in that product is a currently unavoidable use.</u>	197
<u>(P) A product that contains fluoropolymers consisting of</u>	198
<u>polymeric substances for which the backbone of the polymer is</u>	199
<u>either a per- or polyfluorinated carbon-only backbone or a</u>	200
<u>perfluorinated polyether backbone that is a solid at standard</u>	201
<u>temperature and pressure.</u>	202
<u>(Q) A product required to meet standards or requirements</u>	203
<u>of the United States department of transportation, the federal</u>	204
<u>aviation agency, the national aeronautics and space</u>	205
<u>administration, the United States department of defense, or the</u>	206
<u>United States department of homeland security.</u>	207
<u>Sec. 3745.63. (A) Beginning January 1, 2027, no</u>	208
<u>manufacturer shall sell the following products if that product</u>	209
<u>contains an intentionally added PFAS:</u>	210
<u>(1) Cookware;</u>	211
<u>(2) Food packaging;</u>	212
<u>(3) Dental floss;</u>	213
<u>(4) Juvenile products;</u>	214

<u>(5) Firefighting foam.</u>	215
<u>(B) Beginning January 1, 2028, no manufacturer shall sell</u>	216
<u>the following products if that product contains an intentionally</u>	217
<u>added PFAS:</u>	218
<u>(1) Carpets or rugs;</u>	219
<u>(2) Cleaning products;</u>	220
<u>(3) Cosmetics;</u>	221
<u>(4) Fabric treatments;</u>	222
<u>(5) Feminine hygiene products;</u>	223
<u>(6) Textiles;</u>	224
<u>(7) Textile furnishings;</u>	225
<u>(8) Ski wax;</u>	226
<u>(9) Upholstered furniture.</u>	227
<u>(C) The director may adopt rules in accordance with</u>	228
<u>Chapter 119. of the Revised Code to prohibit a manufacturer from</u>	229
<u>selling a consumer product not listed in division (A) or (B) of</u>	230
<u>this section that contains an intentionally added PFAS. The</u>	231
<u>director shall adopt such rules upon a finding of fact that</u>	232
<u>prohibiting the sale of the consumer product is necessary to</u>	233
<u>protect human health or the environment. In adopting rules under</u>	234
<u>this division, the director shall do both of the following:</u>	235
<u>(1) Establish an effective date for each such prohibition</u>	236
<u>that is not less than six months after the adoption of the final</u>	237
<u>rule establishing the prohibition. No such effective date shall</u>	238
<u>be earlier than January 1, 2027.</u>	239
<u>(2) Prioritize prohibitions of consumer products</u>	240

containing intentionally added PFAS that are most likely to harm 241
humans or contaminate the environment. 242

(D) This section does not apply to a pesticide regulated 243
by or under the jurisdiction of the "Federal Insecticide, 244
Fungicide, and Rodenticide Act," 7 U.S.C. 136, et seq. 245

Sec. 3745.65. (A) If the director of environmental 246
protection has reason to believe that a product containing 247
intentionally added PFAS is for sale in this state and the sale 248
of such product is prohibited under section 3745.63 of the 249
Revised Code, the director may direct the manufacturer of the 250
product to, within thirty days, provide testing results that 251
demonstrate the amount of each PFAS in the product, if any. The 252
manufacturer shall identify any PFAS as an exact quantity 253
determined using commercially available analytical methods or as 254
falling within a range approved for reporting purposes by the 255
director. 256

(B) If testing demonstrates that the product does not 257
contain an intentionally added PFAS, the manufacturer shall 258
provide the director with a certificate of compliance attesting 259
that the product does not contain an intentionally added PFAS. 260
The manufacturer also shall submit the testing results and any 261
other relevant information requested by the director. 262

(C) If testing demonstrates that the product contains an 263
intentionally added PFAS, the manufacturer shall notify each 264
person that sells the product in this state that the sale of the 265
product is prohibited and provide the director with a list of 266
the names and addresses of the persons so notified. 267

(D) The director may notify a person that sells a product 268
prohibited under sections 3745.61 to 3745.66 of the Revised Code 269

that the product is prohibited in this state. 270

Sec. 3745.66. (A) The director of environmental protection 271
shall adopt rules in accordance with Chapter 119. of the Revised 272
Code to do all of the following: 273

(1) Create a series of ranges for the amount of a PFAS in 274
a product that contains an intentionally added PFAS for 275
reporting purposes under section 3745.65 of the Revised Code 276
unless exempt under section 3745.62 of the Revised Code; 277

(2) Identify currently unavoidable uses of PFAS that are 278
essential for health, safety, or the functioning of society and 279
for which alternatives are not reasonably available; 280

(3) Except as otherwise provided in section 3737.52 of the 281
Revised Code, regarding firefighting foam: 282

(a) Require a periodic inventory of firefighting foam 283
quantities stored or used in this state; 284

(b) Require the use of firefighting foam for emergency 285
purposes only; 286

(c) Require the cleanup of discarded firefighting foam 287
pursuant to Chapter 3734. of the Revised Code. 288

As used in division (A) (3) of this section, "emergency 289
purposes" does not include training or the use of firefighting 290
foam in fire suppression systems. 291

(B) The director may do the following: 292

(1) Adopt rules in accordance with Chapter 119. of the 293
Revised Code to carry out sections 3745.61 to 3745.68 of the 294
Revised Code, including the following: 295

(a) Prohibiting consumer products that contain an 296

intentionally added PFAS by category or use upon a finding of 297
fact that a prohibition on the product is necessary to protect 298
human health or the environment; 299

(b) Designating that the use of a PFAS in a certain 300
product is a currently unavoidable use as provided in section 301
3745.63 of the Revised Code. 302

(2) Determine that a product containing intentionally 303
added PFAS are a currently unavoidable use based on 304
determinations made by other states. 305

(C) Prior to adopting a rule under division (B) (1) of this 306
section regarding a pesticide, fertilizer, agricultural liming 307
material, or plant or soil amendment that contains an 308
intentionally added PFAS, the director shall consult with the 309
director of agriculture. 310

Sec. 3745.67. Any manufacturer that violates sections 311
3745.61 to 3745.66 of the Revised Code or a rule adopted or 312
order issued under those sections shall pay a civil penalty of 313
not more than fifteen thousand dollars for each violation, to be 314
paid into the state treasury to the credit of the general 315
revenue fund. Each day that a violation continues constitutes a 316
separate offense. The attorney general, upon written request by 317
the director of environmental protection, shall bring an action 318
for such a penalty against any manufacturer that violates 319
sections 3745.61 to 3745.66 of the Revised Code. Such an action 320
is a civil action, governed by the Rules of Civil Procedure and 321
other rules of practice and procedure applicable to civil 322
actions. 323

Any civil penalties imposed under this section do not 324
limit a manufacturer's liability in other causes of action. 325

Sec. 3745.68. (A) Not later than January 1, 2032, the 326
director of environmental protection shall submit a report to 327
the governor and the general assembly regarding the 328
implementation of sections 3745.61 to 3745.67 of the Revised 329
Code, and other state and federal laws governing PFAS-added 330
products. The report shall include all of the following: 331

(1) Information on PFAS use in commercial and industrial 332
products and processes in this state; 333

(2) A review of implementation costs for sections 3745.61 334
to 3745.67 of the Revised Code; 335

(3) Any recommendations for legislative changes. 336

(B) The report issued pursuant to this section may make 337
recommendations as to any further necessary actions regarding 338
PFAS use in commercial and industrial products and processes in 339
this state. 340

(C) In preparation of the report issued pursuant to this 341
section, the director shall review both of the following: 342

(1) Relevant data available through the United States 343
environmental protection agency reporting requirements for PFAS 344
use pursuant to section 8(a) (7) of the "Toxic Substances Control 345
Act," 15 U.S.C. 2607(a) (7); 346

(2) Relevant data made available through reporting 347
requirements for PFAS-added products in other states and Canada. 348

Section 2. This act shall be known as the Protecting 349
Utility and Resources for Enhanced Living, Improved Food, and 350
Environment Act. 351