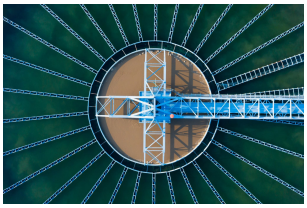

# Bill Introduced in Ohio to Prohibit Sale or Distribution of Products Containing Intentionally Added PFAS

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*This bill would also remove the mandate to fluoridate public water supplies, while adding dyes and other chemicals to Ohio's list of banned food additives.*

On May 13, 2025, State Representatives Justin Pizzulli and Monica Robb Blasdel introduced a lengthy bill (House Bill 272, titled "Protecting Utility and Resources for Enhanced Living, Improved Food, and Environment Act"), which is designed to add Ohio to a growing list of states that ban products containing per- and polyfluoroalkyl substances (PFAS), make fluoridation of drinking water optional, and prohibit dyes and other chemicals from being used as food additives.

With respect to PFAS, subject to certain exemptions, HB 272 would prohibit manufacturers from selling or distributing a wide variety of products containing "intentionally added" PFAS, starting on January 1, 2027, or January 1, 2028, depending on the product. Manufacturers of such products would be required to submit a report to the Ohio Environmental Protection Agency (Ohio EPA) by January 1, 2027, that contains detailed information, including the purpose for which the PFAS are added and the amount thereof. The bill further authorizes Ohio EPA to ban the sale of other consumer products containing intentionally added PFAS that are not currently prohibited upon its finding of fact that prohibiting the sale of the product is necessary to protect human health or the environment.

Beginning January 1, 2032, manufacturers would be prohibited from selling or distributing any products containing intentionally added PFAS unless Ohio EPA has adopted a rule finding that the use of PFAS is a "currently unavoidable use." Ohio EPA would also have the authority to order manufacturers to test their products for PFAS.


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Under the bill, "intentionally added" is defined as deliberately adding or using PFAS during the manufacturing process, such that PFAS are desired or expected to be in the final product. Civil penalties up to $15,000 per day could be levied against manufacturers that violate the new requirements. If passed, this provision in HB 272 would make Ohio yet another state to enact the same or similar bills in the last few years, joining Maine, New Mexico, and Minnesota in restricting any product containing intentionally added PFAS unless an exemption applies.

HB 272 would also remove Ohio's current mandate that public water systems add fluoride to water if the natural fluoride content is below 0.8 mg/l, leaving it optional to do so on a case-by-case basis. This provision would add Ohio to only a handful of states that have recently removed the mandate, driven by studies raising health concerns, and the fact that manufacturers already add a fluoride compound to toothpaste. Further, the bill would add a list of dyes and other chemical food additives to the definition of "adulterated food," thus prohibiting their addition to foods sold or distributed in Ohio. This change is similarly driven by recent studies raising health concerns, and by the fact that some of these chemicals are already prohibited as additives in food sold or distributed in other countries.

Finally, HB 272 would prohibit the release of any chemical into the atmosphere that is purposed to affect the weather, the climate, or the amount of sunlight. The origin of this provision is unknown at this time.

HB 272 has been assigned to the House's General Government Committee. If you would like to discuss how HB 272 may impact your business, trade group, or local government, please contact the authors or any member of the Frost Brown Todd's Environmental Practice Group.

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- *U.S. EPA Announces Major Actions to Combat PFAS Contamination*
- *Nine New PFAS Added to Toxic Release Inventory (TRI) Reporting by U.S. EPA*
- *U.S. EPA Requests Comment on Adding Quarterly PFAS Monitoring and Reporting Requirements in 2026 NPDES Multi-Sector General Permit*
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- *U.S. EPA's Upcoming Information "Request" for PFAS Information and Potential Sampling Warrants Careful Review and Consultation with Legal Counsel*
- *U.S. EPA Surges Forward with Its "PFAS Strategic Roadmap" in the First Quarter, Changing the Scope of PFAS Regulation in Several Ways*
- *U.S. EPA Issues "Game Changing" Listing of PFOA and PFOS Under CERCLA*
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