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S.B. 448
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Koehler

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SUMMARY

- Modifies the definition of the term "secondhand" to exclude reclaimed materials or recycled materials and thereby narrows Ohio's secondhand stuffed toy and bedding laws and rules to exclude stuffed toys and bedding with such materials.
- Allows stuffed toy manufacturers to request, through the Superintendent of Industrial Compliance (Superintendent), a variance from Ohio law and rules governing bedding and stuffed toys.
- Requires the Superintendent to review the variance requests and permits the Superintendent to issue a variance when strict application of the law and rules is unnecessary to protect public health and safety.
- Requires the Department of Commerce to update Ohio rules governing labeling requirements related to stuffed toys.

DETAILED ANALYSIS

Stuffed toys and bedding

The bill alters the law, administered and enforced by the Superintendent of Industrial Compliance (Superintendent), regulating stuffed toys and articles of bedding. These alterations address secondhand stuffed toys and bedding and variances from the law's requirements.[1]

Secondhand stuffed toys and bedding

Under continuing law, no person is permitted to import, manufacture, renovate, wholesale, or reupholster stuffed toys or articles of bedding, or sell or offer for sale any second-

[1] R.C. 3713.01 and 3713.02; R.C. 3713.03 to 3713.09, not in the bill.

hand stuffed toy or any second-hand article of bedding, in Ohio, without first registering with the Superintendent. In addition, no person is permitted to sell or offer for sale any secondhand article of bedding or any secondhand stuffed toy that has not been sanitized as required by the law.[2] The bill narrows the bedding and stuffed toys these requirements apply to by changing the definition of "secondhand." Under current law, secondhand means any article, or material, or any portion thereof, that has been used before in any manner. The bill changes the definition to exclude reclaimed materials or recycled materials.[3] The bill defines "reclaimed materials" as any material that otherwise would have been disposed of as waste and has been collected and claimed as material input, in lieu of new primary material, for recycling purposes. This may include materials that otherwise would have been considered secondhand.[4] The bill defines "recycled materials" as any material that has been reprocessed from reclaimed material through a manufacturing process and made into a final product or a component for incorporation into a final product.[5]

Variance request

The bill specifically allows manufacturers of stuffed toys to request a variance from Ohio law and rules governing bedding and stuffed toys, through the Superintendent. The bill requires the Superintendent to review the variance request and authorizes the Superintendent to issue a variance when a strict application of the requirements is unnecessary to protect the public health and safety.[6]

Rule update

The bill requires the Department of Commerce to update Ohio Administrative Code provisions governing labeling requirements related to stuffed toys.[7]

HISTORY

Action	Date
Introduced	05-27-26

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[2] R.C. 3713.02(A) and (D).

[3] R.C. 3713.01(C).

[4] R.C. 3713.01(J).

[5] R.C. 3713.01(K).

[6] R.C. 3713.02(F).

[7] Section 3; Ohio Administrative Code Chapter 4101, not in the bill.