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Sub. H. B. No. 168

Representative Huffman

Cosponsors: Representatives Grossman, Kraus, Cupp, Phillips, Scherer,  
Rezabek, Anielski, Green, Lepore-Hagan, Henne, Blessing, Duffey, Gonzales,  
Antonio, Barnes, Brown, Johnson, T.

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A BILL

To amend sections 5502.01 and 5502.13 and to enact  
section 2927.28 of the Revised Code to ban the  
sale of liquid nicotine containers that are not  
in child-resistant packaging.

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

**Section 1.** That sections 5502.01 and 5502.13 be amended  
and section 2927.28 of the Revised Code be enacted to read as  
follows:

**Sec. 2927.28.** (A) As used in this section:

(1) "Electronic cigarette" has the same meaning as in  
section 2927.02 of the Revised Code.

(2) "Liquid nicotine container" means a bottle or other  
container of liquid that contains nicotine and is sold,  
marketed, or intended for use with an electronic cigarette.

(B) (1) Except as provided in division (B) (2) of this  
section, beginning one hundred eighty days after the effective  
date of this section, no person shall knowingly sell at retail

any liquid nicotine container that does not satisfy either of 17  
the following: 18

(a) Child-resistant effectiveness standards described in 19  
16 C.F.R. 1700.15(b) on the effective date of this section; 20

(b) Child-resistant packaging standards established in 21  
rules adopted by the department of health under division (C) of 22  
this section. 23

(2) This section does not apply to any of the following: 24

(a) A liquid nicotine container that is prefilled and 25  
sealed by a manufacturer for use with an electronic cigarette, 26  
if the container is not intended to be opened by the consumer; 27

(b) A liquid nicotine container that is sold at retail on 28  
or after the date the United States food and drug 29  
administration, or another federal agency with jurisdiction, 30  
issues final regulations establishing child-resistant 31  
effectiveness standards for liquid nicotine containers. 32

(C) The department of health shall adopt rules 33  
establishing child-resistant packaging standards for liquid 34  
nicotine containers. 35

(D) The department of public safety shall enforce this 36  
section. 37

(E) Whoever violates division (B) (1) of this section is 38  
guilty of an improper liquid nicotine container sale, and a 39  
court of competent jurisdiction may impose on the offender a 40  
civil penalty of not more than one thousand dollars for each 41  
violation. The clerk of the court shall transmit the amount 42  
collected from payment of the civil penalty to the county 43  
treasurer for deposit into the county treasury. 44

**Sec. 5502.01.** (A) The department of public safety shall 45  
administer and enforce the laws relating to the registration, 46  
licensing, sale, and operation of motor vehicles and the laws 47  
pertaining to the licensing of drivers of motor vehicles. 48

The department shall compile, analyze, and publish 49  
statistics relative to motor vehicle accidents and the causes of 50  
them, prepare and conduct educational programs for the purpose 51  
of promoting safety in the operation of motor vehicles on the 52  
highways, and conduct research and studies for the purpose of 53  
promoting safety on the highways of this state. 54

(B) The department shall administer the laws and rules 55  
relative to trauma and emergency medical services specified in 56  
Chapter 4765. of the Revised Code and any laws and rules 57  
relative to medical transportation services specified in Chapter 58  
4766. of the Revised Code. 59

(C) The department shall administer and enforce the laws 60  
contained in Chapters 4301. and 4303. of the Revised Code and 61  
enforce the rules and orders of the liquor control commission 62  
pertaining to retail liquor permit holders. 63

(D) The department shall administer the laws governing the 64  
state emergency management agency and shall enforce all 65  
additional duties and responsibilities as prescribed in the 66  
Revised Code related to emergency management services. 67

(E) The department shall conduct investigations pursuant 68  
to Chapter 5101. of the Revised Code in support of the duty of 69  
the department of job and family services to administer the 70  
supplemental nutrition assistance program throughout this state. 71  
The department of public safety shall conduct investigations 72  
necessary to protect the state's property rights and interests 73

in the supplemental nutrition assistance program. 74

(F) The department of public safety shall enforce 75  
compliance with orders and rules of the public utilities 76  
commission and applicable laws in accordance with Chapters 77  
4905., 4921., and 4923. of the Revised Code regarding commercial 78  
motor vehicle transportation safety, economic, and hazardous 79  
materials requirements. 80

(G) Notwithstanding Chapter 4117. of the Revised Code, the 81  
department of public safety may establish requirements for its 82  
enforcement personnel, including its enforcement agents 83  
described in section 5502.14 of the Revised Code, that include 84  
standards of conduct, work rules and procedures, and criteria 85  
for eligibility as law enforcement personnel. 86

(H) The department shall administer, maintain, and operate 87  
the Ohio criminal justice network. The Ohio criminal justice 88  
network shall be a computer network that supports state and 89  
local criminal justice activities. The network shall be an 90  
electronic repository for various data, which may include arrest 91  
warrants, notices of persons wanted by law enforcement agencies, 92  
criminal records, prison inmate records, stolen vehicle records, 93  
vehicle operator's licenses, and vehicle registrations and 94  
titles. 95

(I) The department shall coordinate all homeland security 96  
activities of all state agencies and shall be a liaison between 97  
state agencies and local entities for those activities and 98  
related purposes. 99

(J) Beginning July 1, 2004, the department shall 100  
administer and enforce the laws relative to private 101  
investigators and security service providers specified in 102

Chapter 4749. of the Revised Code. 103

(K) The department shall administer criminal justice 104  
services in accordance with sections 5502.61 to 5502.66 of the 105  
Revised Code. 106

(L) The department shall enforce the laws relative to 107  
child-resistant packaging for liquid nicotine containers 108  
specified in section 2927.28 of the Revised Code and shall 109  
enforce the rules adopted by the department of health under that 110  
section. 111

**Sec. 5502.13.** The department of public safety shall 112  
maintain an investigative unit in order to conduct 113  
investigations and other enforcement activity authorized by 114  
Chapters 4301., 4303., 5101., 5107., 5108., and 5115. and 115  
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 116  
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 117  
2925.13, 2927.02, 2927.28, and 4507.30 of the Revised Code. The 118  
director of public safety shall appoint the employees of the 119  
unit who are necessary, designate the activities to be performed 120  
by those employees, and prescribe their titles and duties. 121

**Section 2.** That existing sections 5502.01 and 5502.13 of 122  
the Revised Code are hereby repealed. 123