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Representative Huffman

Cosponsors: Representatives Grossman, Kraus, Cupp, Phillips, Scherer, Rezabek, Anielski, Green, Lepore-Hagan, Henne, Blessing, Duffey, Gonzales, Antonio, Barnes, Brown, Johnson, T., Amstutz, Ashford, Boyd, Burkley, Conditt, Derickson, Dovilla, Ginter, Hackett, Hagan, Hambley, Koehler, Kuhns, Kunze, LaTourette, Leland, Maag, Manning, O'Brien, M., O'Brien, S., Patterson, Rogers, Ryan, Sheehy, Smith, K., Sprague, Stinziano, Sweeney

A BILL

To amend sections 5502.01 and 5502.13 and to enact 1
section 2927.28 of the Revised Code to ban the 2
sale of liquid nicotine containers that are not 3
in child-resistant packaging. 4

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

Section 1. That sections 5502.01 and 5502.13 be amended 5
and section 2927.28 of the Revised Code be enacted to read as 6
follows: 7

Sec. 2927.28. (A) As used in this section: 8

(1) "Electronic cigarette" has the same meaning as in 9
section 2927.02 of the Revised Code. 10

(2) "Liquid nicotine container" means a bottle or other 11
container of liquid that contains nicotine and is sold, 12
marketed, or intended for use with an electronic cigarette. 13

(B) (1) Except as provided in division (B) (2) of this 14

section, beginning one hundred eighty days after the effective 15
date of this section, no person shall knowingly sell at retail 16
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