

As Introduced

131st General Assembly

Regular Session

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S. B. No. 54

Senator Jones

**Cosponsors: Senators Eklund, Patton, Manning, Lehner, Tavares, Brown,
Skindell, Thomas**

A BILL

To amend section 5502.01 and to enact section 1
1349.83 of the Revised Code to ban the sale of 2
products intended for use in electronic 3
cigarettes that are not in child-resistant 4
packaging. 5

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

Section 1. That section 5502.01 be amended and section 1349.83 of 6
the Revised Code be enacted to read as follows: 7

Sec. 1349.83. (A) As used in this section: 8

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

(2) "Child-resistant packaging" means packaging to which both of the 11
following apply: 12

(a) The packaging is designed or constructed to be significantly 13
difficult, within a reasonable time, for a child under five years of age 14
to open or to obtain a toxic or harmful amount of the substance contained 15
in the packaging. 16

(b) The packaging is not difficult for a normal adult to open or to properly use the product packaged. 17
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(B) (1) Unless specifically preempted by federal law, no person shall manufacture, regardless of location, for sale in; offer for sale in; sell in or into the stream of commerce in; or otherwise introduce into the stream of commerce in this state any liquid, whether or not the liquid contains nicotine, that is intended for human consumption and use in an electronic cigarette that is not in child-resistant packaging. 19
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(2) The department of health shall develop guidelines and adopt rules establishing the standards for child-resistant packaging under Chapter 119. of the Revised Code. The department of public safety shall enforce this section. 25
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(C) This section does not apply to electronic cigarette products sold in sealed, prefilled, or disposable replacement cartridges. 29
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(D) Whoever violates this section is subject to a civil penalty of up to one thousand dollars for each violation. The clerk of the court in the county in which the violation occurred shall pay the civil penalty to the county treasurer for deposit into the county treasury. 31
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Sec. 5502.01. (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles. 35
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The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state. 39
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(B) The department shall administer the laws and rules relative to 45

trauma and emergency medical services specified in Chapter 4765. of the 46
Revised Code and any laws and rules relative to medical transportation 47
services specified in Chapter 4766. of the Revised Code. 48

(C) The department shall administer and enforce the laws contained 49
in Chapters 4301. and 4303. of the Revised Code and enforce the rules and 50
orders of the liquor control commission pertaining to retail liquor 51
permit holders. 52

(D) The department shall administer the laws governing the state 53
emergency management agency and shall enforce all additional duties and 54
responsibilities as prescribed in the Revised Code related to emergency 55
management services. 56

(E) The department shall conduct investigations pursuant to Chapter 57
5101. of the Revised Code in support of the duty of the department of job 58
and family services to administer the supplemental nutrition assistance 59
program throughout this state. The department of public safety shall 60
conduct investigations necessary to protect the state's property rights 61
and interests in the supplemental nutrition assistance program. 62

(F) The department of public safety shall enforce compliance with 63
orders and rules of the public utilities commission and applicable laws 64
in accordance with Chapters 4905., 4921., and 4923. of the Revised Code 65
regarding commercial motor vehicle transportation safety, economic, and 66
hazardous materials requirements. 67

(G) Notwithstanding Chapter 4117. of the Revised Code, the 68
department of public safety may establish requirements for its 69
enforcement personnel, including its enforcement agents described in 70
section 5502.14 of the Revised Code, that include standards of conduct, 71
work rules and procedures, and criteria for eligibility as law 72
enforcement personnel. 73

(H) The department shall administer, maintain, and operate the Ohio 74

criminal justice network. The Ohio criminal justice network shall be a 75
computer network that supports state and local criminal justice 76
activities. The network shall be an electronic repository for various 77
data, which may include arrest warrants, notices of persons wanted by law 78
enforcement agencies, criminal records, prison inmate records, stolen 79
vehicle records, vehicle operator's licenses, and vehicle registrations 80
and titles. 81

(I) The department shall coordinate all homeland security activities 82
of all state agencies and shall be a liaison between state agencies and 83
local entities for those activities and related purposes. 84

(J) Beginning July 1, 2004, the department shall administer and 85
enforce the laws relative to private investigators and security service 86
providers specified in Chapter 4749. of the Revised Code. 87

(K) The department shall administer criminal justice services in 88
accordance with sections 5502.61 to 5502.66 of the Revised Code. 89

(L) The department shall enforce the laws and rules relative to 90
child-resistant packaging for electronic cigarettes under section 1349.83 91
of the Revised Code. 92

Section 2. That existing section 5502.01 of the Revised Code is 93
hereby repealed. 94