

As Introduced

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H. B. No. 168

Representative Huffman

Cosponsors: Representatives Grossman, Kraus, Cupp, Phillips, Scherer,  
Rezabek, Anielski, Green, Lepore-Hagan, Henne, Blessing, Duffey

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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 6  
1349.83 of 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 9  
section 2927.02 of the Revised Code. 10

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

(a) The packaging is designed or constructed to be 13  
significantly difficult, within a reasonable time, for a child 14  
under five years of age to open or to obtain a toxic or harmful 15  
amount of the substance contained 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. 26  
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(C) This section does not apply to electronic cigarette products sold in sealed, prefilled, or disposable replacement cartridges. 30  
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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. 33  
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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. 38  
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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 42  
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highways, and conduct research and studies for the purpose of 46  
promoting safety on the highways of this state. 47

(B) The department shall administer the laws and rules 48  
relative to trauma and emergency medical services specified in 49  
Chapter 4765. of the Revised Code and any laws and rules 50  
relative to medical transportation services specified in Chapter 51  
4766. of the Revised Code. 52

(C) The department shall administer and enforce the laws 53  
contained in Chapters 4301. and 4303. of the Revised Code and 54  
enforce the rules and orders of the liquor control commission 55  
pertaining to retail liquor permit holders. 56

(D) The department shall administer the laws governing the 57  
state emergency management agency and shall enforce all 58  
additional duties and responsibilities as prescribed in the 59  
Revised Code related to emergency management services. 60

(E) The department shall conduct investigations pursuant 61  
to Chapter 5101. of the Revised Code in support of the duty of 62  
the department of job and family services to administer the 63  
supplemental nutrition assistance program throughout this state. 64  
The department of public safety shall conduct investigations 65  
necessary to protect the state's property rights and interests 66  
in the supplemental nutrition assistance program. 67

(F) The department of public safety shall enforce 68  
compliance with orders and rules of the public utilities 69  
commission and applicable laws in accordance with Chapters 70  
4905., 4921., and 4923. of the Revised Code regarding commercial 71  
motor vehicle transportation safety, economic, and hazardous 72  
materials requirements. 73

(G) Notwithstanding Chapter 4117. of the Revised Code, the 74

department of public safety may establish requirements for its 75  
enforcement personnel, including its enforcement agents 76  
described in section 5502.14 of the Revised Code, that include 77  
standards of conduct, work rules and procedures, and criteria 78  
for eligibility as law enforcement personnel. 79

(H) The department shall administer, maintain, and operate 80  
the Ohio criminal justice network. The Ohio criminal justice 81  
network shall be a computer network that supports state and 82  
local criminal justice activities. The network shall be an 83  
electronic repository for various data, which may include arrest 84  
warrants, notices of persons wanted by law enforcement agencies, 85  
criminal records, prison inmate records, stolen vehicle records, 86  
vehicle operator's licenses, and vehicle registrations and 87  
titles. 88

(I) The department shall coordinate all homeland security 89  
activities of all state agencies and shall be a liaison between 90  
state agencies and local entities for those activities and 91  
related purposes. 92

(J) Beginning July 1, 2004, the department shall 93  
administer and enforce the laws relative to private 94  
investigators and security service providers specified in 95  
Chapter 4749. of the Revised Code. 96

(K) The department shall administer criminal justice 97  
services in accordance with sections 5502.61 to 5502.66 of the 98  
Revised Code. 99

(L) The department shall enforce the laws and rules 100  
relative to child-resistant packaging for electronic cigarettes 101  
under section 1349.83 of the Revised Code. 102

**Section 2.** That existing section 5502.01 of the Revised 103

Code is hereby repealed.

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