

As Passed by the Senate

131st General Assembly

Regular Session

2015-2016

Sub. S. B. No. 54

Senator Jones

Cosponsors: Senators Eklund, Patton, Manning, Lehner, Tavares, Brown, Skindell, Thomas, Hottinger, Uecker, LaRose, Bacon, Balderson, Beagle, Burke, Cafaro, Hite, Obhof, Peterson, Sawyer, Schiavoni, Widener, Yuko

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 a liquid that contains nicotine and that is sold,
marketed, or intended for use in 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 one of the 17
following: 18

(a) The child-resistant effectiveness standards listed in 19
16 C.F.R. 1700.15(b), that are in effect on the effective date 20
of this section; 21

(b) Child-resistant packaging guidelines adopted by the 22
department of health. 23

(2) This section does not apply to either of the 24
following: 25

(a) A liquid nicotine container that is prefilled and 26
sealed by the manufacturer for use in an electronic cigarette 27
and that is not intended to be opened by the consumer; 28

(b) A liquid nicotine container that is sold at retail on 29
or after the date that final regulations are issued by the 30
United States food and drug administration, or any other federal 31
agency with jurisdiction, that mandate child-resistant 32
effectiveness standards for liquid nicotine containers. 33

(C) The department of health shall develop guidelines and 34
adopt rules establishing the standards for child-resistant 35
packaging under Chapter 119. of the Revised Code. 36

(D) The department of public safety shall enforce this 37
section. 38

(E) Whoever violates division (B) (1) of this section is 39
subject to a civil penalty of not more than one thousand dollars 40
for each violation. The clerk of the court in the county in 41
which the violation occurred shall pay the civil penalty to the 42
county treasurer for deposit into the county treasury. 43

Sec. 5502.01. (A) The department of public safety shall 44

administer and enforce the laws relating to the registration, 45
licensing, sale, and operation of motor vehicles and the laws 46
pertaining to the licensing of drivers of motor vehicles. 47

The department shall compile, analyze, and publish 48
statistics relative to motor vehicle accidents and the causes of 49
them, prepare and conduct educational programs for the purpose 50
of promoting safety in the operation of motor vehicles on the 51
highways, and conduct research and studies for the purpose of 52
promoting safety on the highways of this state. 53

(B) The department shall administer the laws and rules 54
relative to trauma and emergency medical services specified in 55
Chapter 4765. of the Revised Code and any laws and rules 56
relative to medical transportation services specified in Chapter 57
4766. of the Revised Code. 58

(C) The department shall administer and enforce the laws 59
contained in Chapters 4301. and 4303. of the Revised Code and 60
enforce the rules and orders of the liquor control commission 61
pertaining to retail liquor permit holders. 62

(D) The department shall administer the laws governing the 63
state emergency management agency and shall enforce all 64
additional duties and responsibilities as prescribed in the 65
Revised Code related to emergency management services. 66

(E) The department shall conduct investigations pursuant 67
to Chapter 5101. of the Revised Code in support of the duty of 68
the department of job and family services to administer the 69
supplemental nutrition assistance program throughout this state. 70
The department of public safety shall conduct investigations 71
necessary to protect the state's property rights and interests 72
in the supplemental nutrition assistance program. 73

(F) The department of public safety shall enforce 74
compliance with orders and rules of the public utilities 75
commission and applicable laws in accordance with Chapters 76
4905., 4921., and 4923. of the Revised Code regarding commercial 77
motor vehicle transportation safety, economic, and hazardous 78
materials requirements. 79

(G) Notwithstanding Chapter 4117. of the Revised Code, the 80
department of public safety may establish requirements for its 81
enforcement personnel, including its enforcement agents 82
described in section 5502.14 of the Revised Code, that include 83
standards of conduct, work rules and procedures, and criteria 84
for eligibility as law enforcement personnel. 85

(H) The department shall administer, maintain, and operate 86
the Ohio criminal justice network. The Ohio criminal justice 87
network shall be a computer network that supports state and 88
local criminal justice activities. The network shall be an 89
electronic repository for various data, which may include arrest 90
warrants, notices of persons wanted by law enforcement agencies, 91
criminal records, prison inmate records, stolen vehicle records, 92
vehicle operator's licenses, and vehicle registrations and 93
titles. 94

(I) The department shall coordinate all homeland security 95
activities of all state agencies and shall be a liaison between 96
state agencies and local entities for those activities and 97
related purposes. 98

(J) Beginning July 1, 2004, the department shall 99
administer and enforce the laws relative to private 100
investigators and security service providers specified in 101
Chapter 4749. of the Revised Code. 102

(K) The department shall administer criminal justice 103
services in accordance with sections 5502.61 to 5502.66 of the 104
Revised Code. 105

(L) The department shall enforce the laws and rules 106
relative to child-resistant packaging for liquid nicotine 107
containers under section 2927.28 of the Revised Code. 108

Sec. 5502.13. The department of public safety shall 109
maintain an investigative unit in order to conduct 110
investigations and other enforcement activity authorized by 111
Chapters 4301., 4303., 5101., 5107., 5108., and 5115. and 112
sections 2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 113
2921.13, 2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 114
2925.13, 2927.02, 2927.28, and 4507.30 of the Revised Code. The 115
director of public safety shall appoint the employees of the 116
unit who are necessary, designate the activities to be performed 117
by those employees, and prescribe their titles and duties. 118

Section 2. That existing sections 5502.01 and 5502.13 of 119
the Revised Code are hereby repealed. 120