



# Ohio Legislative Service Commission

## Bill Analysis

Nicholas A. Keller

### Sub. S.B. 54

131st General Assembly

(As Reported by S. Transportation, Commerce and Labor)

**Sens.** Jones, Eklund, Patton, Manning, Lehner, Tavares, Brown, Skindell, Thomas, Hottinger, Uecker, LaRose

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## BILL SUMMARY

- Prohibits, beginning 180 days after the bill's effective date, a person from knowingly selling a liquid nicotine container that does not meet child-resistant packaging standards.
- Subjects a person who violates the bill to a civil penalty of up to \$1,000.
- Requires the Department of Public Safety to enforce the bill.

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## CONTENT AND OPERATION

### Child resistant packaging required

The bill prohibits, beginning 180 days after the bill's effective date, a person from knowingly selling at retail any liquid nicotine container that does not satisfy either the child-resistant effectiveness standards adopted by the federal Consumer Product Safety Commission for poison prevention,<sup>1</sup> or child-resistant packaging guidelines adopted by the Department of Health under the bill. "Liquid nicotine container," under the bill, is a bottle or other container of a liquid that contains nicotine and that is sold, marketed, or intended for use in an electronic cigarette.<sup>2</sup>

The prohibition does not apply to either of the following:

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<sup>1</sup> 16 Code of Federal Regulations 1700.15(b).

<sup>2</sup> R.C. 2927.28(A) and (B).

- A liquid nicotine container that is pre-filled and sealed by the manufacturer for use in an electronic cigarette and not intended to be opened by the consumer;
- A sale at retail made on or after the date that final regulations are issued by the U.S. Food and Drug Administration, or any other federal agency with jurisdiction, that mandate child-resistant effectiveness standards for liquid nicotine containers.<sup>3</sup>

## Rules and enforcement

The bill requires the Department of Health to develop guidelines and adopt rules establishing standards for child-resistant packaging in accordance with the Administrative Procedure Act.<sup>4</sup> And the bill requires the Department of Public Safety to enforce the laws and rules relative to child-resistant packaging for liquid nicotine containers and allows the Department to have its investigative unit investigate violations.<sup>5</sup>

## Penalty

Any person who violates the bill's prohibition is subject to a civil penalty of up to \$1,000 for each violation. Any penalty collected must be paid to the county treasurer for deposit in the county treasury.<sup>6</sup>

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## HISTORY

ACTION	DATE
Introduced	02-12-15
Reported, S. Transportation, Commerce & Labor	06-10-15

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<sup>3</sup> R.C. 2927.28(B).

<sup>4</sup> R.C. Chapter 119.

<sup>5</sup> R.C. 2927.28(C) and (D), 5502.01, and 5502.13.

<sup>6</sup> R.C. 1349.83(D).

