



# Ohio Legislative Service Commission

## Bill Analysis

Nicholas A. Keller

### **S.B. 54**

131st General Assembly  
(As Introduced)

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

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## **BILL SUMMARY**

- Requires e-cigarette liquid, other than sealed, pre-filled, or disposable replacement cartridges, to be sold in child-resistant packaging.
- 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 a person from manufacturing for sale in, offering for sale in, selling in or into, or otherwise introducing into the stream of commerce any liquid that is intended for human consumption and use in an electronic cigarette that is not in child-resistant packaging. This prohibition applies even if the liquid does not contain nicotine. To meet the child-resistant packaging requirement, the liquid must be in packaging that is designed or constructed to be significantly difficult, within a reasonable time, for a child under five to open or obtain a toxic or harmful amount of the liquid and must not be difficult for a normal adult to open or properly use the liquid. The bill requires the Department of Health to develop guidelines and adopt rules establishing the standards for child-resistant packaging and requires the Department of Public Safety to enforce the bill.<sup>1</sup>

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<sup>1</sup> R.C. 1349.83(A) and (B) and 5502.01.

The bill's requirement does not apply to electronic cigarette products sold in sealed, pre-filled, or disposable replacement cartridges and does not apply if the bill is specifically preempted by federal law.<sup>2</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>3</sup>

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## HISTORY

ACTION	DATE
Introduced	02-12-15

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<sup>2</sup> R.C. 1349.83(B) and (C).

<sup>3</sup> R.C. 1349.83(D).

