



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 347
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

Jason Hoskins, Attorney

SUMMARY

- Prohibits the operator of a retail establishment that primarily sells vapor products from recklessly permitting a person under 21 from entering the establishment.
- Also prohibits the operator from recklessly selling vapor products in open display without the intervention of an employee.

DETAILED ANALYSIS

Retail vapor establishment prohibitions

In the case of an operator of a retail establishment that primarily sells vapor products, the bill prohibits both of the following:

1. Recklessly permitting a person under 21 from entering the retail establishment;
2. Recklessly selling vapor products in an open display that is accessible to the public without the intervention of a store employee.¹

An operator who violates either of these provisions is guilty of a second degree misdemeanor, punishable by up to 90 days in jail and a \$750 fine.² Under current Ohio law, a person acts recklessly when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or it is likely to be of a certain nature.³

¹ R.C. 2927.02(F).

² R.C. 2927.02(G)(3).

³ R.C. 2901.22(C), not in the bill.

The bill defines a “retail establishment that primarily sells vapor products” as a retail establishment in which at least 90% of the establishment’s revenue is derived from the sale of vapor products.⁴ Existing law unchanged by the bill prohibits the sale of cigarettes, other tobacco products, and alternative nicotine products (including vapor products) to any person under 21.⁵

HISTORY

Action	Date
Introduced	09-23-19

H0347-I-133

⁴ R.C. 2927.02(F)(1).

⁵ R.C. 2927.02(B).