



**Sub. H.B. 298**

123rd General Assembly  
(As Passed by the House)

**Reps. Schuler, Taylor, Britton, Van Vyven, Corbin, Buchy, Evans, Householder, Clancy, Cates, DePiero, Goodman, Mottley, Olman, Pringle, Roberts, Trakas, Bateman, Callender, Carey, Coughlin, Healy, Hollister, Jacobson, Luebbers, Padgett, Patton, Schuring, Stapleton, Vesper, Williams, Winkler, Young, Harris, Verich, Tiberi, Opfer, Buehrer, Allen, O'Brien, Damschroder, Redfern, Ogg**

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**BILL SUMMARY**

- Requires the legislative authority of a municipal corporation or township to adopt smoking-related rules or orders previously issued by a board of health before the rules or orders become effective in the political subdivision.

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**CONTENT AND OPERATION**

**Current law**

Under current law, the *board of health of a city health district* may adopt orders and rules necessary for the public health, the prevention or restriction of disease, and the prevention, abatement, or suppression of nuisances. Those orders and rules "intended for the general public" generally are required to be adopted, advertised, recorded, and certified in the same manner as ordinances of municipal corporations and are required to be given in court the *same effect as municipal ordinances*. Orders and rules relating to the smoking of cigarettes or other tobacco products are not differentiated from other board of health orders and rules under this current law and are subject to the requirements described above. (Sec. 3709.20.)

Current law grants similar order- and rule-making authority to the *board of health of a general health district* as well as to health departments or boards of health of city or general health districts that are *contracted with* to provide public health services to another city or general health district. Orders and rules relating to the smoking of cigarettes or other tobacco products again are not differentiated from other board of health orders and rules and are subject to the previously

described "municipal ordinance-related" requirements. (Secs. 3709.08, 3709.081, and 3709.21.)

**Changes proposed by the bill**

Under the bill, orders and rules (1) that are adopted by a board of health of a city or general health district or by a board of health or health department contracted with to provide public health services to another city or general health district and (2) that relate to the *smoking of cigarettes or other tobacco products* will not be effective within a particular municipal corporation or township unless and until the legislative authority of the municipal corporation or township adopts the orders and rules after holding a public hearing.<sup>1</sup> The municipal corporation or township must provide notice of the hearing and a general description of the purpose of the hearing at least once in a general circulation newspaper in the municipal corporation or township one week before adopting the health district's orders or rules.<sup>2</sup> (Secs. 3709.08, 3709.081, 3709.20(A), and 3709.21.)

Boards of health retain their *general* order- and rule-making authority for all of the previously mentioned types of orders and rules except those relating to smoking. All orders and rules that are not smoking-related, after adoption in the specified manner, continue to have the same effect as municipal ordinances. (Secs. 3709.08, 3709.081, 3709.20, and 3709.21.)

As used in the bill, "cigarettes" and "tobacco products" have the following meanings (secs. 3709.20(A) and 3709.21 by cross-reference to sec. 5743.01(E) and (J)):

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(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored,

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<sup>1</sup> *The bill refers in certain provisions to orders and rules "that relate to smoking" and in other provisions to orders and rules "that relate to smoking cigarettes or other tobacco products."*

<sup>2</sup> *The bill specifically requires this type of notice. Currently, the Open Meetings Law requires each public body to follow a reasonable method of notification of the time and place of each of its regularly scheduled meetings and the time, place, and purpose of each of its special meetings, with 24 hours advance notice to specified news media generally required in the case of a special meeting. The Open Meetings Law also provides for reasonable advance notice "of all meetings at which any specific type of public business is discussed" to any person that has requested such notice. (Sec. 121.22(F).)*

adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

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(J) "Tobacco product" means any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-14-99	p. 416
Reported, H. Local Gov't & Townships	06-03-99	pp. 771-772
Passed House (77-18)	03-28-00	pp. 1712-1714

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