



Mark Fitzwater

Bill Analysis
Legislative Service Commission

H.B. 786

123rd General Assembly
(As Introduced)

Reps. Patton, Jones, Allen, Ford, R. Miller, Barrett, Gooding

BILL SUMMARY

- Expands the offense of illegal distribution of cigarettes or other tobacco products to also prohibit the giving away, sale, or distribution of cigarettes or smokeless tobacco in self-service displays.

CONTENT AND OPERATION

The bill expands the offense of illegal distribution of cigarettes or other tobacco products to also prohibit the giving away, sale, and distribution of cigarettes and smokeless tobacco products in self-service displays. The prohibition applies to manufacturers, producers, distributors, wholesalers, and retailers of cigarettes or other tobacco products and also to any agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products (R.C. 2927.02(A)(3)). (See **COMMENT.**)

Any manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products, and any agent, employee, or representative of any of those types of persons, who violates this prohibition is guilty of illegal distribution of cigarettes or other tobacco products, a fourth degree misdemeanor on a first offense. If the offender previously has been convicted of giving away, selling, or distributing cigarettes or smokeless tobacco products in self-service displays or any other prohibition included in R.C. 2927.02, illegal distribution of cigarettes or other tobacco products is a third degree misdemeanor. (R.C. 2927.02(D).)¹

¹ Besides the prohibition against self-service displays of cigarettes and smokeless tobacco products proposed by the bill, R.C. 2927.02 also prohibits the following activities:

- A manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products, or its agent, from giving away, selling, or

COMMENT

Neither R.C. 2927.02 nor any other R.C. section defines "self-service display" of cigarettes and smokeless tobacco products.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-06-00	p. 2294

H0786-I.123/jc

distributing cigarettes or other tobacco products to any person under 18 years of age (R.C. 2927.02(A)(1)).

- A manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products, or its agent, from giving away, selling, or distributing cigarettes or other tobacco products in any place that does not have posted in a conspicuous place a sign stating that the giving, selling, or distribution of cigarettes or other tobacco products to a person under 18 years of age is prohibited by law (R.C. 2927.02(A)(2)).*
- A person from selling or offering for sale cigarettes or other tobacco products by or from a vending machine unless the vending machine is located within a factory, business, office, or other place not open to the general public, in a place where persons under the age of 18 years are not generally permitted access, or in other specified places (R.C. 2927.02(B)). A vending machine is defined as any mechanical or electronic device designed to receive a coin, bill, or token made for that purpose or in return for the insertion or deposit of a coin, bill, or token, automatically dispenses property, provides a service, or grants a license (R.C. 2913.01(I)--not in the bill).*