
Detailed Fiscal Analysis

This bill extends the enforcement and arrest authority of Department of Public Safety enforcement agents to include violations of R.C. 2927.02, the illegal distribution of cigarettes or other tobacco products. Am. Sub. H.B. 163 of the 123rd General Assembly combined food stamp and liquor enforcement investigations into one unit. This allows for agents in one unit to investigate violations in another without having to either leave the premises and obtain a special warrant or return with personnel from the other unit. The provisions of this bill add tobacco distribution violations to the investigative authority of these agents.

The provisions of the bill retain the violation of R.C. 2927.02 as a misdemeanor of the fourth degree. Fine amounts are up to \$250 for fourth degree misdemeanors and up to \$500 for a subsequent, or third degree misdemeanor. With the exception of those offenses occurring within the jurisdictions of Auglaize, Clermont, Crawford, Hocking, Jackson, Lawrence, Madison, Miami, Ottawa, Portage, and Wayne county municipal courts, the fine revenue distribution is 45% municipal treasury, 45% state GRF, and 10% county general fund. For offenses occurring within the above stated jurisdictions, the distribution is 45% state GRF, 55% county general fund.

The Department of Public Safety Investigative Unit places the amount of possible tobacco distribution violations it could have acted upon at 2,160 or 60% of the 3,601 minors arrested for alcohol related violations in 1998. Assuming that all of these violators were first time offenders, arrests for tobacco offenses would have resulted in \$540,150 in total fines. Agents also issued 639 citations for persons selling or furnishing alcohol to minors. It is unclear how many tobacco-related violations would have also resulted from these violations, but it is conceivable that there would have been a large percentage given the relation between the two offenses.

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