



## *Synopsis of Senate Committee Amendments\**

*Meredith Rockwell*

*Legislative Service Commission*

### **Sub. H.B. 500**

127th General Assembly  
(S. Insurance, Commerce, and Labor)

Changes the definition of "cigarettes" for purposes of the bill to have the same meaning as in the Tobacco Product Manufacturer Escrow Accounts Law (R.C. Chapter 1346.).

Removes the provisions in the House-passed version requiring manufacturers to seek approval for a marking the manufacturer must place on each package of cigarettes that the manufacturer intends to certify, and instead requires manufacturers to place a marking, in eight-point font or larger, permanently printed, stamped, engraved or embossed upon the cigarette package near the UPC code on the package, which consists of only the letters "FSC" standing for "fire standards compliant."

Requires the marking described above to be placed on each package of cigarettes that is certified to indicate compliance with the bill. Requires a manufacturer to place the marking uniformly on all packages, including packs, cartons, etc.

Add authorization for the State Fire Marshal to seize and take possession of any cigarettes for which no certification has been filed, as required in the bill.

Allows the State Fire Marshal or Attorney General to file an action which includes a petition for preliminary or permanent injunctive relief against any manufacturer, importer, wholesale dealer, retail dealer, agent, or any other person or entity to enjoin such entity from selling, offering to sell, or affixing tax stamps to any cigarette that does not comply with the requirements of the bill, or a claim, instead of just permitting general injunctive relief as specified in the As Passed by the House version of the bill.

Adds a requirement that the State Fire Marshal provide a copy of the judgment to all wholesale dealers and agents to which the cigarette has been sold upon obtaining injunctive relief.

Removes the authority of the Attorney General granted by the House-passed version to examine books, papers, invoices, and other business records of any person in

---

\* This synopsis does not address amendments that may have been adopted on the Senate floor.

possession or control of, or occupying any premises where cigarettes are placed, stored, sold, or offered for sale, if the State Fire Marshal reasonably suspects that violation of the bill has occurred.

Permits the Attorney General to adopt rules under the Administrative Procedure Act as necessary to administer the bill. The same authority was granted to the State Fire Marshal in the As Passed by the House version of the bill.

Permits the Tax Commissioner to adopt rules pursuant to the Department of Taxation Law (R.C. Chapter 5703.) as necessary to enforce the bill.

Caps the amount at which the fee for brand family certification at \$2,500 for each type of brand family. Under the As Passed by the House version of the bill the fee begins at \$1,000 and may be adjusted annually by the State Fire Marshal to defray costs.

Permits the State Fire Marshal to use the Fire Prevention and Public Safety Fund to compensate the Department of Taxation for expenses for storage and destruction of cigarettes, instead of just for fire safety and prevention programs as provided in the As Passed by the House version of the bill.

Creates the New African Immigrants Commission consisting of eleven members appointed by the Governor with the advice and consent of the Senate. Requires specified parties to recommend to the Governor persons for appointment. Specifies term end dates for the initial appointments, and specifies that each term after the initial appointments will be for three years.

Requires all members of the Commission to be of sub-Saharan African origin and be American citizens or lawful, permanent resident aliens. Requires members to come from diverse geographical areas representative of the population balance of the sub-Saharan African population throughout the state.

Requires the Commission to elect a chairperson, vice-chairperson, and other officers as it considers advisable. Specifies that six members constitute a quorum and prohibits any action of the Commission without the concurrence of six members.

Prohibits members of the Commission from being compensated for work as members of the Commission.

Requires the Commission to do all of the following:

- Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning sub-Saharan African people;
- Secure appropriate recognition of the accomplishments and contributions of sub-Saharan African people to this state;

- Stimulate public awareness of the problems of sub-Saharan African people by conducting a program of public education;
- Develop, coordinate, and assist other public and private organizations that serve sub-Saharan African people, including the conducting of training programs for community leadership and service project staff;
- Advise the Governor, General Assembly, and state departments and agencies of the nature, magnitude, and priorities of the problems of sub-Saharan African people;
- Advise the Governor, General Assembly, and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of sub-Saharan African people, especially in the fields of education, employment, energy, health, housing, welfare, and recreation;
- Propose new programs concerning sub-Saharan African people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning sub-Saharan African people;
- Review and approve grants to be made from federal, state, or private funds that are administered or subcontracted by the Commission;
- Prepare, review, and approve an annual report;
- Serve as a clearinghouse to review and comment on all proposals to meet the needs of sub-Saharan African people that are submitted to it by public and private agencies;
- Apply for and accept grants and gifts from governmental and private sources to be administered by the Commission or subcontracted to local agencies;
- Monitor and evaluate all programs subcontracted to local agencies by the Commission;
- Endeavor to assure that sub-Saharan African people have access to decision-making bodies in all state and local governmental departments and agencies;
- Establish advisory committees on special subjects as needed to facilitate and maximize community participation in the operation of the Commission;
- Establish with state and local governments and private business and industry relationships that promote and assure equal opportunity for sub-Saharan African people in government, education, and employment;

- Create an interagency council consisting of specified persons or their authorized representatives. Requires the council to provide and coordinate the exchange of information relative to the needs of sub-Saharan African people and promote the delivery of state services to such people.

H0500-127.doc/ss

12/17/08

