

---

---

## MISCELLANEOUS

- Raises from 18 to 21 the legal age for a person to receive or purchase cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.
- Defines “vapor product” and includes it within the definition of “alternative nicotine products.”
- Requires clear and visible posting of signage indicating the legal age for receiving or purchasing cigarettes, other tobacco products, alternative nicotine products, or papers to roll cigarettes at locations where those products are sold.

### **Legal age to purchase cigarettes and other tobacco products**

(R.C. 2927.02(B), (C), and (E))

Generally speaking, the bill increases from 18 to 21 the age at which a person may purchase or receive cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes (hereafter referred to as “tobacco products”). More specifically, the bill prohibits a manufacturer, producer, distributor, wholesaler, or retailer of tobacco products, an agent, employee, or representative of any of those persons, or other person from doing any of the following to a person under 21:

1. Giving, selling, or otherwise distributing tobacco products;
2. Giving away, selling, or distributing tobacco products in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing tobacco products to a person under 21 is prohibited by law;
3. Knowingly furnishing any false information regarding the name, age, or other identification of the person with purpose to obtain tobacco products for that person.

The bill also prohibits a person from selling or offering to sell tobacco products from a vending machine, unless the location is an area to which persons under 21 are not generally permitted access.

### **“Vapor product” as “alternative nicotine product”**

(R.C. 2927.02(A)(2) and (8))

The bill includes “vapor product” within the definition of “alternative nicotine product.” As a result, the prohibition described above includes vapor products.

A “vapor product” is a product, other than a cigarette or other tobacco product that contains or is made or derived from nicotine and that is intended and marketed for human consumption, including by smoking, inhaling, snorting, or sniffing. It includes any component, part, or additive that is intended for use in a mechanical heating element, battery, or electronic circuit and is used to deliver the product, provided that the component, part, or additive is sold with the product and not separately stated on an invoice or other document of sale. It also includes any product containing nicotine, regardless of concentration. It does not include any

product that is a drug, device, or combination product, as those terms are defined or described under federal law.

## **Vending machine notice**

(R.C. 2927.02(C))

Under the bill, if a person is selling or offering to sell tobacco products by or from a vending machine, the vending machine must have a clearly visible notice that is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high:

“It is illegal for any person under the age of 21 to purchase tobacco products.”

## **Exceptions to prohibitions; forfeiture; affirmative defenses**

(R.C. 2927.02(D), (E), and (G) and 2927.022)

The bill provides that the existing exceptions to the prohibitions regarding giving, selling, or otherwise distributing tobacco products apply when the person receiving the cigarettes is under 21.

Additionally, the bill provides that the existing law seizure and forfeiture provisions apply when tobacco products are given, sold, or otherwise distributed to a person under age 21 in violation of the prohibitions described above and when those products are used, possessed, purchased, or received by a person under 21 in violation of R.C. 2151.87 (prohibits a child from possessing, using, purchasing, or receiving tobacco products).

Finally, existing law provides certain affirmative defenses to a charge of giving, selling, or otherwise distributing tobacco products to any person under age 21. The bill adjusts the language describing these affirmative defenses to reflect the age increase to 21.