

Real People. Real Possibilities.™

## **AGENDA**

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# **Committee of the Whole**

**5:45 PM May 23, 2022**

**Council Members:**

**Andy Teater  
Omar Tarazi  
Les Carrier  
Tina Cottone  
Peggy Hale  
Pete Marsh  
Cynthia Vermillion**

**President  
Vice President**

**Michelle Crandall, City Manager  
Diane (Dee) Werbrich, Clerk of Council**

**City Hall, Council Chambers • 3800 Municipal Way, Hilliard, OH 43026**

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## City Council

May 23, 2022  
Committee of the Whole  
Agenda  
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**I. Call to Order**

**II. Roll Call**

**III. Approval of Minutes**

A. May 9, 2022, Committee of the Whole

**IV. Business**

- A. Renewable Energy Aggregation (Vermillion Request/Marsh Sponsor)
- B. Youth Possession of Electronic Smoking Devices (Vaping Devices)
- C. Tobacco and Electronic Smoking Device (ESD) Retail License

**V. Items for Discussion**

**VII. Adjournment**



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## CITY COUNCIL

### May 9, 2022 Committee of the Whole Minutes

#### CALL TO ORDER

President Teater called the meeting to order by at 6:21 PM.

#### ROLL CALL

Attendee Name:	Title:	Status:
Andy Teater	President	Present
Omar Tarazi	Vice President	Present
Les Carrier	Councilman	Present
Tina Cottone	Councilwoman	Present
Peggy Hale	Councilwoman	Present
Pete Marsh	Councilman	Present
Cynthia Vermillion	Councilwoman	Present

**Staff Members Present:** City Manager Michelle Crandall, Law Director Phil Hartmann, Assistant City Manager Dan Ralley, Police Chief Michael Woods, Director of Recreation and Parks Ed Merritt, Community Relations Director David Ball and Clerk of Council Diane Werbrich

**Others in Attendance:** AEP Energy - Matt DeVries and Chris Bailey

#### APPROVAL OF MINUTES

President Teater asked if there were any changes or corrections to the March 28, 2022, Committee of the Whole meeting minutes. Hearing none, the minutes were approved as submitted.

<b>STATUS:</b>	Accepted
<b>AYES:</b>	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

#### BUSINESS

##### A. Electric Aggregation Presentation – AEP Energy (See attached)

Mr. Bailey explained that in Ohio anyone can select an electric or gas supplier. Municipal aggregation allows through State rules, a municipal governmental body to select a community program for everyone in the community who is eligible. Once a municipality selects a program, it becomes the community program and residents can opt out. He mentioned that the City is not aggregated and if they choose to become aggregated, there is a formal process where residents would vote on it through a ballot question in the spring or fall. It takes a simple majority to pass and takes approximately six to eight months to place it on the ballot. The next step would be to determine what is the best program for the City and there are several ways for the City to be green.

Vice President Tarazi asked if Mr. Bailey is referring to everyone who lives in the City. Mr. Bailey replied that the program would include everyone who would be eligible, which is usually 66-75 percent of residential households, apartments and small businesses. He noted individuals who are on payment programs or PIP, those who have a third-party supplier and large industrial would not be eligible for the community program. Vice President Tarazi said that essentially everyone states they will purchase energy from the same source. Mr. Bailey added the government would make the decision on the program to implement for the community. Vice President Tarazi asked why residents would do this, does it offer a discount. Mr. Bailey stated there is price competitiveness, bulk buying with different levers being pulled because of a larger size for renewables. It is a better program versus individual programs. Vice



President Tarazi asked what the renewable piece of this is. Mr. Bailey explained that energy generation is essentially grid-based energy, and they would be supplying renewable assets like solar and wind for the City's aggregation program and it would be specifically built for the City. Vice President Tarazi then asked if they would build a solar farm. Mr. Bailey replied that they have a portfolio of wind and solar assets in Ohio, which creates a fixed price for the City's aggregation program. They would contract with the developer, build it and fund it. To pay that back, a fixed price would be set for an 11-year term. Vice President Tarazi asked who would own the asset after the 11 years. Mr. Bailey replied that the assets would go back to the developer.

Ms. Hale asked for clarification because Mr. Bailey stated they have solar and wind assets but then stated they would talk to a developer and then build it. Mr. Bailey replied they have several developers throughout Ohio, and they contract out to developments for different renewable assets around Ohio. Ms. Hale then asked if something is already built that has excess that the City could use. Mr. Bailey replied nothing is built yet and it is a long process to build. Ms. Hale asked if there would be cost saving building something closer to the City versus in other parts of Ohio. Mr. Bailey replied that land value is more expensive closer to the City and farm land is more conducive to solar and land north, near the lake, would be more conducive to wind assets.

Mr. Carrier stated that he has read renewables are unreliable and if the City puts this on the ballot and goes with this program, how would residents know that the lights will still turn on when the wind blows. Mr. Bailey explained that is why they do a portfolio of wind and solar and have found that there is less risk if there is a mixture of different types of renewable energy, which is a better residential profile. Mr. Carrier stated if he had solar panels on his house, it would only offset his cost and asked why the excess energy could not be pumped back into the grid. Mr. Bailey replied that is called net metering and is where someone can install solar panels, generate excess power and be compensated for it but that excess energy is capped. Mr. Carrier asked why their company's position would be that and then tout these types of aggregate programs. Mr. Bailey replied that AEP does support renewables. He added they are a subsidiary of AEP and are essentially the deregulated side that does retail energy. Mr. Carrier explained they want the City to do this, but if an individual wanted to be green and pump the energy back in, they cannot. Mr. Bailey replied that an individual can do that, but there are limits.

President Teater inaudible. Mr. Bailey stated they look at your historical usage and when they site the solar on a house, they site it to be within a bandwidth of what is historically used so that renewable energy is not over produced into the grid. President Teater Inaudible. Mr. Bailey replied someone can overproduce, but not significantly and has to do with grid reliability in terms of balancing the load.

Vice President Tarazi asked what the total dollar amount in terms of aggregate savings for the community is. Mr. Bailey replied that it depends on the year because they are comparing a price that is in the future. He added to build these assets, the price would be up to five cents per kilowatt hour but how do you compare a price for something that is going to be built in 2026 and to what the future price is going to be because it is unknown. Vice President Tarazi asked what this would do for the whole community. Mr. Bailey replied that if the main driver is savings, renewables are a premium and today do cost a slight premium to the grid-based power and is not a guaranteed savings product. He added it is more about green energy, job creation, taxes and development within the State of Ohio.

Mr. Carrier asked if an individual could select a different provider that provides renewables. Mr. Bailey agreed and stated this would be a community program and an aggregation is a fast start to decarbonization and reducing the emission footprint of the City. The collective load for the entire aggregation can equal up to 20 percent of the carbon footprint for a community. He added within a few years the City can materially reduce their emission footprint.

Ms. Hale asked if there are available grants that could generate cost savings for the community. Mr. Bailey replied that a community can put in grants to fund different things. Ms. Hale asked if there were grants, could it potentially save the community money. Mr. Bailey replied that if grants are added, it could potentially raise the price because the cost of the grant is built into the cost of the aggregation. Mr.

DeVries remarked that he believes Ms. Hale is referring to a government subsidy. Mr. Bailey replied that he is not aware of any federal grants to pay for that. Ms. Hale then asked if this item was on the ballot and approved, would it be an indefinite contract. Mr. Bailey replied once it is passed, it is good forever, and a municipality can pass aggregation and not do a program. He noted step one is to pass aggregation and step two would be to create a program for the community.

Vice President Tarazi asked again that if the City did do aggregation but did not do the green dimension of the equation, what would the cost savings be to the community. Mr. Bailey replied that it is hard to determine savings if the future price is unknown. He noted with the programs they have done; it is competitive with the PTC. Mr. DeVries added the pre-tax contribution (PTC) is always changing.

Mr. Carrier stated the City will have a large Amazon presence and Intel is coming to Licking County who want to be on all renewables by a certain date. He then asked if that competition also creates a price risk increase for those who do these types of programs that are locked in for long periods of time. Mr. Bailey replied that Grove City has done a similar program but has put it on hold because the energy market has increased this summer. He noted any time there is an increase in demand, it raises the price and they have seen a definite increase in demand for this type of renewables program. Mr. Carrier commented that the corporate demand could pinch the residential price. Mr. Bailey replied that the big data centers will come on board because their shareholders demand renewable energy and that will be seen in the market. In general, it does increase the price because of the higher demand.

Mr. Bailey reported that programs like this are impactful, provide locally produced clear energy, green jobs, and economic development. It is easy because they will negotiate with the developers, and it is safe. He noted they have made this program with the PCT.

Ms. Vermillion asked for confirmation that if the 2026 date is if the City moves this year and that the longer the City waits, then that date gets moved back. Mr. Bailey agreed and stated there are approximately 2,000 inter-connection applications with the grid.

Mr. Carrier asked if they do micro projects like the new community center to make it green. Mr. Bailey replied there are different ways to do that and could discuss that option if the City wishes to pursue it.

#### ITEMS FOR DISCUSSION - None

#### CITY MANAGER UPDATES - None

Mr. Carrier, seconded by Mr. Marsh, moved to adjourn the Committee of the Whole meeting by Voice Vote.

<b>MOVER:</b>	Les Carrier
<b>SECONDER:</b>	Pete Marsh
<b>AYES:</b>	Teater, Tarazi, Carrier, Cottone, Hale, Marsh, Vermillion

#### ADJOURNMENT – 6:49 PM

Andy Teater, President  
Council Committee of the Whole

Diane Werbrich, MMC  
Clerk of Council

Approved: \_\_\_\_\_

## Renewable Energy Aggregation (Vermillion Request/Marsh Sponsor)

## Renewable Energy Aggregation

Three cities in the Central Ohio region currently participate in Renewable Energy Aggregation programs—Columbus, Grove City, and Worthington. Each program is different. From the City of Columbus website:

### BENEFITS OF COMMUNITY CHOICE AGGREGATION

- 100% clean energy sourced from wind, solar, and battery storage
- Clean energy jobs through an increased demand for local renewable energy
- Competitive pricing through bulk-purchase and community choice

From the website: <https://www.epa.gov/green-power-markets/community-choice-aggregation#one> Community choice aggregation (CCA) is also known as municipal aggregation. The Environmental Protection Agency (EPA) states these programs allow for local governments to “procure power on behalf of their residents, businesses, and municipal accounts from an alternative supplier while still receiving transmission and distribution service from their existing utility provider.”

A CCA allows a municipality to intentionally choose green energy options as their source of power.

Here’s what happens when a local government wants to put a CCA in place:

- 1) The local government must hold a public hearing and pass a law to authorize the CCA.
- 2) Customers will be given advance notice to be able to opt-out of the CCA – CCA participation is voluntary regardless of the state.
- 3) Customers that do not opt-out are automatically enrolled in the program.
- 4) Delivery and maintenance services are still handled by the local utility.

### From Energy Alliances memo to City of Worthington:

Electricity is created by generation resources through the conversion of a fuel source to energy. In the case of coal, natural gas, nuclear, hydro and wind, a force is applied to a turbine to create electricity. With solar energy, solar photovoltaic devices convert sunlight directly into electricity.

Energy is traded on a market similar to natural gas, crude oil and gasoline. The price at any moment is what the market is willing to pay for 1 Megawatt (MW) of energy produced by any generation resource.

Each resource has their own cost structure depending on but not limited to the fuel source, overall operation cost, and environmental compliance.

The energy landscape is continually evolving and there are developing opportunities that were not available in the Spring of 2019 when Worthington began their aggregation program....

There is growing interest in communities that want to be a part of a larger and local solution to renewable energy. This solution prioritizes product over price as the focus is around increased sustainable investment and not offering the lowest cost option. Communities are partnering with suppliers to invest in Ohio based solar and wind projects to provide 100% of an aggregation's load. However, most of these projects will not be online until 2023 and require a long term (10+ year) commitment.

### **RFP Results**

Energy Alliances ran an RFP in early February to procure prices for a renewal with a focus on a 24-month term including a 100% offset using National Wind RECs starting in June 2021. Five suppliers responded though only 4 replied with the ability to provide RECs.

**Indicative Price Results including \$0.0005/ kWh (per broker agreement) for Energy Alliances:**

Energy Alliances recommends starting negotiations with the incumbent supplier AEP Energy:

- 1) AEP Energy was the lowest bidder and can provide all the services listed in a previous section.
- 2) AEP Energy is the incumbent and has provided excellent service during the initial program.
- 3) By remaining with AEP Energy, that is one less letter sent to participating residents/small businesses.
  - a. If the supplier is changed, AEP Ohio (the utility) would send each person currently in the program a letter notifying them about the supplier change. That is in addition to the opt-out letter that the new supplier will need to send them. Too many letters causes confusion.
- 4) AEP Energy is one of the suppliers that are developing an Ohio based solar solution called Integrated Renewable Energy, or "IRE". This product is being considered by the City of Columbus and surrounding communities.

### *Supplier 24-Month Term*

AEP Energy \$ 0.05145

Supplier 2 \$ 0.05175

Supplier 3 \$ 0.05180

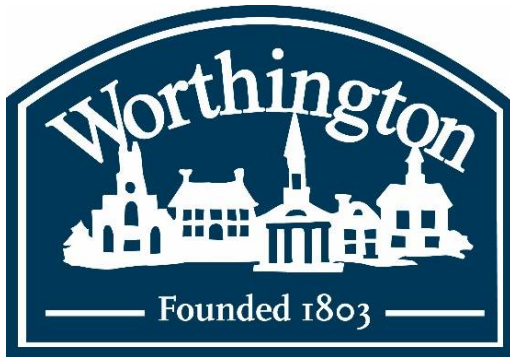
Supplier 4 \$ 0.05250



## Definitions

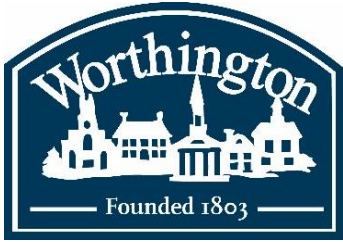
- **Alternative Energy Rider:** This Rider allows AEP Ohio to recover costs related to Renewable Energy Credits. This Rider will be reconciled quarterly to actual costs incurred and will be subject to an annual prudence and accounting review by the Public Utilities Communion of Ohio.
- **Auction Cost Reconciliation Rider:** This Rider collects any difference between auction costs billed to customers versus what was paid to auction winners for the procurement of power as well as the costs associated with the competitive bid process.
- **Budget Billing:** A payment arrangement with the local utility that allows a customer to pay the same amount each month for most of the year. Bills are trued up, or “caught up” annually or sometimes semi-annually. When this happens a customer’s bill will go up or down, based on actual usage for the true-up or settlement period.
- **Generation Capacity Rider:** This Rider allows AEP Ohio to collect the Generation Capacity Revenue Requirement based on the PJM’s capacity auction Clearing Price payable to the auction winners.
- **Generation Energy Rider:** This Rider collects the difference between the competitive bid auction price and PJM’s capacity revenue requirement payable to the auction winners.
- **Kilowatt Hour (kwh):** A 1,000-watt unit of energy for one hour. This is the standard measurement for the amount of electricity a customer uses.
- **Net Metering:** Allows a customer to potentially lower energy bill by producing some of the energy used from solar or wind installed at a service address. The customers energy bills will reflect the net amount of energy used (i.e., Consumption – Generation). If the net amount of generation is greater than consumption the customer will accumulate a credit on their bill.
- **PJM Interconnect:** A regional transmission organization (RTO) that coordinates the movement of wholesale electricity in all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia and the District of Columbia.
- **Price to Compare (PTC):** The annual amount a customer will no longer pay to their electric utility company when choosing another generation provider divided by the kilowatt-hours consumed on a yearly basis.
- **Renewable Energy Certificates (RECs):** A renewable energy certificate, or REC (pronounced: rĕk), is a market-based instrument that represents the property rights to the environmental, social and other non-power attributes of renewable electricity generation. RECs are issued when one megawatt-hour (MWh) of electricity is generated and delivered to the electricity grid from a renewable energy resource.  
<https://www.epa.gov/greenpower/renewable-energy-certificates-recs>
- **Standard Service Offer (SSO):** The default rate for generation supply an electric distribution utility charges a customer who decides not to shop. In order to secure

electricity for customers on the SSO rate, electric distribution utilities conduct competitive wholesale auctions and the average price of the electricity secured through the auction is the main component of the SSO



# City of Worthington Electric Aggregation Experience

Presentation to Delaware City Commission  
March 28, 2022



# Aggregation Overview

- **What is a Municipal Aggregation Program?**

A Municipal Aggregation allows communities to form a buying group on behalf of their citizens with the intent of acquiring better pricing, unique products (i.e. 100% Renewable) and more favorable terms and conditions for the citizens than if the citizens would shop on their own.

- **Shopping for the supplier/cost of supplying the energy**

- **When did Worthington begin its program and why?**

Worthington voters approved (75% YES) a ballot issue in November 2018 authorizing the City to establish itself as an electric aggregator. The goals of the City's electric aggregation program are to 1) lower electric bills for households and small businesses, 2) increase use of renewable (green) energy, and 3) position the City as a forward-thinking community.





# Who is Eligible?

Members of the community (homeowners and small businesses) are eligible to participate (receive letters during the 21 day “opt-out” window), unless:

- **Currently with another electric supplier**
  - Since they chose to shop on their own, they are not included as part of the “opt-out”
- **Enrolled in the Percentage of Income Payment Plan (PIPP)**
  - Those that have budget billing/ agreement with the utility are still eligible
- **Have previously opted out of program**
  - They could have opted out in a previous “opt-out” window or through the “Do Not Aggregate” list that PUCO maintains.





## What is the Customer/Resident Experience?

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- Participants will continue to receive a single bill from AEP Ohio
- AEP will continue to deliver electricity to homes or businesses, so they will remain as the point of contact for any questions or issues related to losing power or the “AEP Ohio Charges” portion of the bill.

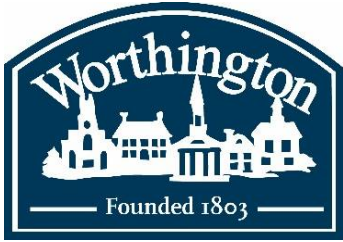




# Worthington Program Characteristics

- Opt-out program; average of 57% of all accounts participate (63% of total households, 83% of eligible households).
- AEP Energy (distinct from AEP Ohio) is current supplier; 2-year contracts
- Provides renewable energy from the purchase of Renewable Energy Certificates ("RECs"), investing in US wind energy market to offset Worthington's energy usage
- Ability to administer "Budget Billing" of supplier charges
- Ability to provide credit for "Net Metering."
- No fees to enter or leave the program





# Program Performance


- 1<sup>st</sup> Cycle – June 2019 to June 2021
  - 4,131, Average number of participants
  - 71,502,382, Total kWh consumed
  - RECs offset equivalent of 34 million pounds of coal or 3.48 million gallons of gasoline
- 1<sup>st</sup> cycle pricing; 5.069 cents per kWh from June 2019 to June 2021
  - \$3,624,403.55, Total utility cost with Standard Service Offer or Price to Compare rate
  - \$3,624,457.61, Total Electric Aggregation cost
  - Difference: - \$54.07
- 2<sup>nd</sup> cycle pricing; 5.186 cents per kWh; default rate is currently 5.3 cents per kWh; rates are expected to continue climbing above electric aggregation rate.
- Able to achieve purchase of renewables at essentially equal cost to utility default rates.







## Sequencing of an Opt-Out Aggregation Program

- The governing body of the municipality must place the issue on the ballot of a general, primary or special election.
- The ballot initiative must pass by a simple majority of voters.
- Once the ballot initiative has passed, the municipality:
  - Develops a Plan of Operation and Governance
  - Holds public hearings to discuss/revise the Plan
  - Adopt the Plan of Operation and Governance
  - Chooses a supplier
- 
  - Notifies residents about the program and gives them 21 days to decide if they want to participate
  - At the end of the 21-day notification period, the program goes into effect



## Worthington Electric Aggregation Issue 39 on November 6

Worthington voters will decide whether to give the City authority to pool the community's buying power with the goal of lowering household and increasing renewable (green) energy. Worthington City Council voted in a meeting to place an electric aggregation issue on the November 6, 2018 ballot. If approved, the City could negotiate price on behalf of its residents and businesses for purchasing electricity.

There would be no levy or tax on resident, business, or the City itself. Other communities currently use aggregation programs to reduce electric rates and purchase renewable-energy electricity. City Council will also consider that there be a no-cost opt-out option for any resident or business. Consumers who already have their own contract with a separate electric supplier would immediately be eligible.

With Issue 39 voter approval, the city will seek competitive bids on behalf of residents and small businesses. City Council will assess the bids, and choose the most advantageous - based on cost savings and green energy content - before the program is implemented.

### Frequently Asked Questions about the Worthington Electric Aggregation Ballot Issue 39

#### What is the purpose of electric aggregation in Worthington?

To use community buying power to achieve two goals: 1) save households money on their electric bills, and 2) purchase renewable (green) energy. The exact savings and amount of green energy will be determined after voter approval in the negotiated purchase agreement. There will always be a no-cost opt-out option for any resident.

#### Will electric aggregation cost me anything?

No. This is not a levy or a tax on any resident if they would like to empower our City to purchase power.

#### What does a YES vote on Issue 39 mean?

A YES vote will enable the City of Worthington (certified by the Public Utilities Commission) to negotiate residential electric rates while purchasing renewable energy on behalf of its residents and businesses. City Council will assess the bids (supply) before the program is implemented.

#### What does a NO vote on Issue 39 mean?

A majority NO vote would mean that consumers keep their current electric supplier.

#### Will this save me money on my utility bill?

The City has made household savings a top priority by consistently achieving lower electric bills for its residents, providing stability and security again.

#### Will you buy renewable or green energy?

The City has made purchasing renewable energy an accepting any bid. The renewable energy on other communities' experiences, we expect leadership role in reducing our city's carbon footprint.

#### If Issue 39 passes, can I choose to not participate?

Yes. You can leave (opt-out) or rejoin the program.

#### What is AEP's role with an aggregation?

AEP would still be the local electric utility. Y does. They own the electric lines and will co "generator" of your electricity would change.

If you have additional questions, please contact the City of Worthington.

City of Worthington



## Worthington Voters Electric Aggregation INFORMATION MEETING

Tuesday, August 28 - 7pm  
Griswold Center  
777 High Street

Learn about the November ballot  
issue to allow the City to bulk purchase  
electricity for residents & businesses.  
[worthington.org/electric](http://worthington.org/electric)



Important information from  
Worthington City Council about  
Issue 39 Electric Aggregation.



October 2018

Dear Worthington Resident,

Worthington voters will see Issue 39 on the November 6<sup>th</sup> ballot. If approved, Issue 39 will enable our community to pool its purchasing of electricity with the goals of negotiating a **better price** and supporting **clean energy**.

The exact savings and amount of clean energy will be determined after voter approval in the purchase agreement negotiated and agreed upon by City Council. There will always be a **no-cost opt-out option** for any resident that does not wish to participate.

City Council voted to place Electric Aggregation on the ballot with two goals in mind: 1) help residents save money on their electric bills, and 2) support renewable (clean) energy use. Enhancing the City's sustainability, in a fiscally responsible manner, is a major priority for Worthington's City Council.

Why is Issue 39 on the ballot and not simply voted on by Council at a regular meeting? The State of Ohio requires that any jurisdiction seeking to aggregate the community's purchases of electricity must first bring the issue before the electorate. That means the measure must be approved by the voters, then certified by the Public Utilities Commission of Ohio, before your City Council can proceed. We believe this is sound public policy.

We hope you will consider Issue 39 carefully. We believe the twin goals of cost savings and sustainability represent significant potential benefits. A "yes" vote will enable us to proceed with an Electric Aggregation program. A "no" vote will simply mean the status quo remains.

If you need more information please visit [www.worthington.org/electric](http://www.worthington.org/electric) or call the City of Worthington Finance Department at 614-786-7353.

Sincerely,

Bonnie Michael  
Council President

Scott Myers  
Council President Pro Tem

Rachael Dorothy  
Council Member

Doug Faust  
Council Member

Beth Kowalczyk  
Council Member

David Robinson  
Council Member

Doug Smith  
Council Member

For Immediate Release - June 19, 2018



Media Contact: Anne Bro  
City of Worthington  
614-854-71  
[brown@ci.worthington.oh](mailto:brown@ci.worthington.oh)

### Worthington Electric Aggregation Issue on November Ballot

(Worthington, Ohio) - Worthington voters will decide whether to give the City authority to pool the community's buying power with the goal of lowering household electric bills and increasing renewable (green) energy usage. Worthington City Council voted at its June 18, 2018 meeting to place an electric aggregation issue on the November 6, 2018 ballot. If approved, the City could negotiate a bulk price on behalf of its residents and small businesses for purchasing electricity.

There would be no levy or tax on any resident, business, or the City itself. Other communities currently use aggregation programs to reduce electric rates and purchase renewable-generated electricity. City Council will also require that there be a no-cost opt-out option for any resident or business. Consumers who already have their own contract with a separate electric supplier would not be immediately eligible.

With voter approval, the city will seek competitive bids on behalf of residents and small businesses. City Council will assess the bids, and choose the most advantageous - based on cost savings and green energy content - before the program is implemented.

Under the program, residents would experience no change in their electric service. AEP would continue to carry, serve and bill for the electricity service. The only change would be in the generation source of the electricity which would be identified on the AEP bill.

Worthington voters will see the following language on their ballots this November:

"Shall the City of Worthington, County of Franklin, Ohio have the authority to aggregate the retail electric load located in the City and enter into service agreements to facilitate for those loads the sale and purchase of electric, such aggregation to occur automatically except where any person elects to opt-out?"

If approved by the voters, the City will work with the Public Utilities Commission of Ohio (PUCO) to certify the City of Worthington as a governmental aggregator and negotiate the most favorable contract for its residents based on cost and amount of green energy. City Council will formally accept or deny proposals prior to implementing the aggregation program. For more information, visit [worthington.org/electric](http://worthington.org/electric) or call the Worthington Finance Department at 614-786-7353.

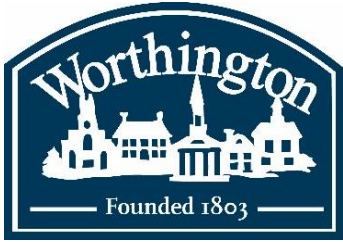
6550 N. High Street | Worthington, Ohio 43085 | 614-436-3100 | [worthington.org](http://worthington.org)



## Program Administration

- Select consultant/broker
  - Initially helps answer questions, provide information and conduct presentations prior to ballot issue
  - Ensures successful completion of required PUCO steps resulting in certification of the electric aggregation program
  - Solicits proposals, provides recommendations on supplier that best fits goals; manages supplier relationship
  - Provides quarterly performance reports, continues to help answer questions of program participants or elected officials
- Establish single staff point of contact for resident inquiries; track questions
  - Create website section on electric aggregation program to provide information
  - Supplier sends periodic opt-out letter, conducting “sweeps.”
  - Each cycle, work with broker to develop recommendation to City Council for selection of supplier.





## Opportunities with Electric Aggregation Program

- Seek competitive pricing
- Simplify purchasing for consumers
- Lock in favorable purchasing conditions, like no fees to enter/exit program and consumer friendly offerings like net metering and budget billing
- Create the ability to collectively invest in available renewable or green energy offerings
- Generate public momentum for other sustainability measures.





# Questions





- 2/2018: first formal public acknowledgement that Worthington stated interest of aggregation (if any). *While electric aggregation had been previously researched, February 2018, Council Members Smith and Robinson wrote to advocate for considering electric aggregation and the purchase of renewable energy certificates (RECs).*
- 3/8/2018: Research on electric aggregation provided to City Council
- 3/12/2018: Presentation on how electric aggregation works provided to City Council
- 4/27/2018: Worthington began qualifications based process to select electric aggregation consultant
- 5/21/18: City Council authorizes City staff to prepare legislation for consideration to place an opt-out aggregation program on ballot
- 5/25/2018: City enters into agreement with aggregation broker
- 7/18/18: Legislation approved to place opt-out electric aggregation program on ballot
- 11/6/18: Voters vote and approve the city's aggregation program
- 1/14/2019 8am: Public hearing #1 on Operation & Governance Plan
- 1/14/2019 630pm: Public hearing #2 on Operation & Governance Plan Both public hearings held on the same day
- 1/22/2019: City Council approves Operation & Governance Plan
- 1/29/2019: PUCO application filed
- 3/7/2019: Worthington receives PUCO certification
- 3/12/2019: Worthington issues public competitive bid for preferred supplier
- 4/8/2019: City Council approved AEP Retail as supplier
- 4/17/2019: Opt-out letters filed with PUCO (original opt-out letters) 10 day PUCO approval period
- 4/29/2019: Opt-out letters mailed
- 5/29/2019: Opt-out period ends. Reminder that Worthington opted for a 30 day opt-out window. If communities select traditional 21-day opt-out period the timeframe between opt-out letters and aggregation program start would be 9 days sooner.
- June 2019 meter read date: Aggregation Program begins

FOR MORE INFORMATION

<https://www.climate.gov/news-features/understanding-climate/global-climate-summary-january-2022#:~:text=The%20January%202022%20global%20surface,in%20the%20143%2Dyear%20record.>

## Council Memo: Information Only

**Subject:** Youth Possession of Electronic Smoking Devices (Vaping Devices)  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Kelly Clodfelder, Staff Attorney  
**Date:** May 23, 2022

### Summary

The City of Hilliard recognizes the health and safety risks associated with youth vaping and wants to take into consideration actions that can minimize these risks. The City Administration and Division of Police have worked closely, along with the Hilliard City School District, to propose actions that will deter youth use of electronic smoking devices (commonly referred to as “vapes or vaping devices”).

Staff was asked to explore options to better address “youth vaping” and nicotine addiction in our community. After a thorough review of the recent State tobacco law changes, discussions with Hilliard Division of Police, and consulting with Hilliard City School District, Staff suggests considering legislation that is stricter than State tobacco laws to better protect the youth of our community. The proposed legislation is one step towards better enforcement and education that will be part of a larger comprehensive plan. Staff does not feel the State legislation is strong enough to combat the vaping problems in our community. Staff suggests the following differences from State law to better protect our youth:

1. Provide a “penalty” for use, purchase, and possession under 21. The new Tobacco under 21 State Law removed all “penalties” for youth possession, and only provides penalties for those that furnish or sell it.
2. Make Falsification to obtain tobacco and electronic smoking devices an M1. All other forms of Falsification are an M1. This provides better consistency in City Code and affirms the City’s strong position against youth attempting to purchase electronic smoking devices with fake identification.
3. Adopt more inclusive language than the State and ban ALL electronic smoking devices and their component parts, and not just ones used for nicotine.
4. Because of the expanded prohibition to electronic smoking devices that deliver any substance, the City would also need to add language making it not a violation if someone works for a Medical Marijuana Dispensary or are properly enrolled in the Medical Marijuana Program. State law requires us to acknowledge and make these exceptions.

The City anticipates the proposed legislation will provide better leverage to enter youth offenders into a Youth Diversion Program that educates youth and parents about the dangers of vaping, addresses any underlying issues that led the youth to vaping, and provides smoking cessation and/or addiction services if the youth’s vaping has risen to the level of an addiction.

### Financial Impacts

There should not be any significant cost to the City for the Youth Diversion Program needed to enforce the new legislation. The diversion process will be coordinated by the Recovery Court Coordinator position that is already in place and grant funded. Staff has consulted with the Franklin County Juvenile Court Police Initiated Diversion (PID) that became available to the City after this legislation was originally proposed. The City will be able to use the staff and resources of the PID program as needed, at no cost.

Other municipal youth diversion programs charge a fee for participation and Staff proposes implementing a \$100 fee to cover any new costs created by the youth diversion program. Participants would generally be responsible for the cost of any other educational programs/assessments/treatment they are required to complete as part of the diversion process.



The Hilliard City School District has confirmed eligibility with a grant funded wellness program offered through the Educational Services Center (ESC) that will provide “prime for life” substance abuse education to youth and parents, at no cost to the City or participants.

If Council decides to enact the proposed legislation and creation of the Youth Diversion Program, Staff could seek funding from ADAMH and other sources to help cover any additional costs that may arise as the program grows.

### **Expected Benefits**

- Increased community awareness about health dangers of vaping
- Coordinated effort to inform parent/guardians if a youth is vaping and offer resources to help address the underlying reasons for vaping
- Decreased vaping use, nicotine addiction, and health issues related to using electronic smoking devices

### **Attachments**

- Proposed Ordinance with Exhibits
- HB 166 – New State Tobacco Law
- Updated Youth Diversion Program Outline

**AMENDING SECTION 537.16 AND ENACTING SECTIONS 537.161, 537.162, AND 539.07 OF THE CITY'S CODIFIED ORDINANCES REGARDING THE SALE OR OTHER DISTRIBUTION OF TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, AND ELECTRONIC SMOKING DEVICES TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.**

**WHEREAS**, the City of Hilliard is dedicated to promoting and supporting the health and wellbeing of its residents; and

**WHEREAS**, there has been a dramatic increase in electronic vaping device use among the youth in the Hilliard community and throughout the nation; and

**WHEREAS**, the use of electronic vaping devices, especially in youth, include health risks such as chronic nicotine addiction, lung disease and damage, cardiovascular damage, changed brain development, and increased risk for additional substance use; and

**WHEREAS**, the American Journal of Respiratory and Critical Care Medicine has published research showing the components of electronic smoking devices aerosol have known pulmonary toxicity and that adolescent electronic smoking device users had increased rates of chronic bronchitic symptoms; and

**WHEREAS**, the American College of Cardiology reports that persons who use electronic vaping devices are significantly more likely to have a heart attack, coronary artery disease, and depression compared with those who don't use them or any tobacco product; and

**WHEREAS**, research confirms the prefrontal cortex of the brain, which is responsible for emotions and decision making, does not fully develop until about age 25 and nicotine, THC, and other substances affect the development of the brain and the prefrontal cortex; and

**WHEREAS**, JAMA Pediatrics published research showing young people who use electronic smoking devices are 3.5 times more likely to smoke marijuana later in life; and

**WHEREAS**, on July 18, 2019, the Ohio legislature acknowledged these health, safety, and welfare concerns and passed HB 166, which amended numerous Sections in Ohio Revised Code increasing the age from 18 to 21 at which a person may purchase, use, or possess tobacco products or other alternative nicotine products; and

**WHEREAS**, additionally, HB 166 defined vapor products and electronic smoking devices and incorporated them into the definition of alternative nicotine products that are prohibited under twenty-one (21) years of age; and

**WHEREAS**, the City of Hilliard, recognizing the dangers of smoking and the use of vapor products and/or electronic smoking devices, has determined that it is necessary to incorporate State Code into its Codified Ordinances, as well as ensure that all electronic smoking devices and their component parts cannot be purchased, used, or possessed by those under the age of twenty-one; and

**WHEREAS**, the City of Hilliard believes that amending Section 537.16 and enacting Sections 537.161, 537.162, and 539.07 of the City's Codified Ordinances, as shown in Exhibits "A", "B", "C", and "D", attached hereto and incorporated herein, promotes the general health, safety and welfare of the City and its residents; and

**WHEREAS**, the City of Hilliard is a home-rule charter municipality pursuant to Article XVIII, Section 7 of the Ohio Constitution, which enables the City to have and exercise all powers of local self-government under the Constitution and laws of the State of Ohio.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** Council finds that amending Section 537.16, **attached** hereto as Exhibit “A” and incorporated herein, regarding the Illegal Distribution of Cigarettes, Other Tobacco Products, Alternative Nicotine Products, or Electronic Smoking Devices promotes the general health, safety and welfare of the City of Hilliard and its residents. The changes and additions to Section 537.16, as shown and identified in track changes on the attached Exhibit “A”, are approved and shall be incorporated into the City’s Codified Ordinances, from and after the effective date of this Ordinance. All other provisions of Section 537.16, not modified or deleted herein, remain unchanged and are in full force and effect.

**SECTION 2.** Council finds that enacting Section 537.161, **attached** hereto as Exhibit “B” promotes the general health, safety, and welfare of the City of Hilliard and its residents.

**SECTION 3.** Council finds that enacting Section 537.162, **attached** hereto as Exhibit “C” promotes the general health, safety, and welfare of the City of Hilliard and its residents.

**SECTION 4.** Council finds that enacting Section 539.07, **attached** hereto as Exhibit “D” promotes the general health, safety, and welfare of the City of Hilliard and its residents.

**SECTION 5.** The Council finds that all deliberations and actions of the public body relating to this Ordinance were taken in an open meeting in compliance with Section 121.22 of the Ohio Revised Code.

**SECTION 6.** To the extent that grant funds, publications and/or proceeds from fines is available, the City of Hilliard may engage in a continuing program to explain and clarify the purposes and requirements of this Ordinance to persons affected by it, and to guide proprietors in their compliance with it.

**SECTION 7.** This Ordinance shall be in full force and effect from and after the earliest time provided for by law.

**537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, OTHER TOBACCO PRODUCTS, ~~OR~~ ALTERNATIVE ~~E~~-NICOTINE PRODUCTS, OR ELECTRONIC SMOKING DEVICES; TRANSACTION SCANS.**

(a) *Illegal Distribution of Cigarettes, Other Tobacco Products, ~~or~~ Alternative Nicotine Products, or Electronic Smoking Devices.*

(1) As used in this section:

- A. "Age verification." A service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, **electronic smoking devices**, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is ~~eighteen~~ **twenty-one** years of age or older.
- B. "Alternative nicotine product."
  - 1. Subject to subsection (a)(1)B.2. of this section, an electronic **smoking device, vapor product cigarette**, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving or inhaling.
  - 2. The phrase does not include any of the following:
    - a. Any cigarette or other tobacco product;
    - b. Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);
    - c. Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);
    - d. Any product that is a "combination product" as described in 21 U.S.C. 353(g).
- C. "Cigarette." Includes clove cigarettes and hand-rolled cigarettes.
- D. "Distribute." means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, **electronic smoking devices**, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, **electronic smoking devices**, or papers used to roll cigarettes.
- E. "Electronic smoking device." Means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. The phrase includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).
- ~~F. "Proof of age." Means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under ORC 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.~~
- GF.** "Tobacco product." Means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. The phrase also means any component or accessory used in the

consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

**H.G.** "Vapor product." Means a product, other than a cigarette or other tobacco product as defined in ORC Chapter 5743, 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. The phrase includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. The phrase does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). The phrase includes any product containing nicotine, regardless of concentration.

**H.** "Vending machine." Has the same meaning as "coin machine" in ORC 2913.01.

- (2) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, [electronic smoking devices](#), or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, [electronic smoking devices](#), or papers used to roll cigarettes, and no other person shall do any of the following:
  - A. Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, [electronic smoking devices](#), or papers used to roll cigarettes to any person under twenty-one years of age;
  - B. Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, ~~or~~ [electronic smoking devices](#), or papers used to roll cigarettes 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 cigarettes, other tobacco products, alternative nicotine products, [electronic smoking devices](#), or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;
  - C. Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, [electronic smoking devices](#), or papers used to roll cigarettes for that person;
  - D. Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;
  - E. Sell cigarettes, ~~or~~ alternative nicotine products [or electronic smoking devices](#) in a smaller quantity than that placed in the pack or other container by the manufacturer;
  - F. Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, [electronic smoking devices](#), or tobacco products other than cigarettes over the internet or through another remote method without age verification.
- (3) No person shall sell or offer to sell cigarettes, other tobacco products, ~~or~~ alternative nicotine products, [or electronic smoking devices](#) by or from a vending machine, except in the following locations:
  - A. An area within a factory, business, office, or other place not open to the general public;
  - B. An area to which persons under twenty-one years of age are not generally permitted access;
  - C. Any other place not identified in subsection (a)(3)A. or B. of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, ~~and~~ alternative nicotine product, **electronic smoking devices** purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
  2. The vending machine is inaccessible to the public when the place is closed.
  3. A clearly visible notice 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 twenty-one to purchase tobacco, alternative nicotine products, **or electronic smoking devices**."
- (4) The following are affirmative defenses to a charge under subsection (a)(2)A. of this section:
- A. The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
  - B. The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, **electronic smoking devices**, or papers used to roll cigarettes to a person under twenty-one years of age under subsection (a)(2)A. of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age.
- (5) It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, ~~or~~ **electronic smoking devices**, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply:
- A. The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol.
  - B. An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
  - C. The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol.
- (6) It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age **electronic smoking devices** if that person is an approved caregiver to the person under twenty-one years of age in the Ohio Medical Marijuana Control Program, as that term is defined in Ohio R.C. Chapter 3796.
- (7) It is not a violation of subsection (a)(2)A. or B. of this section for a person to give or otherwise distribute to a person under twenty-one years of age **electronic smoking devices** if that person is employed at a properly licensed Ohio Medical Marijuana Dispensary, as that term is defined in Ohio R.C. Chapter 3796.
- (68) A. Whoever violates subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section is guilty of illegal distribution of cigarettes, other tobacco products, alternative nicotine products, **or electronic smoking devices**. Except as otherwise provided in this subsection, illegal distribution of cigarettes, other tobacco products, alternative nicotine products, **or electronic smoking devices** is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (a)(2)A., B., D., E., or F. or (a)(3) of this section or a substantially equivalent state law or municipal ordinance, illegal distribution of cigarettes, other tobacco products, alternative nicotine products, or **electronic smoking devices** is a misdemeanor of the third degree.

- B. Whoever violates subsection (a)(2)C. of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, ~~or~~ alternative nicotine products, ~~or~~ **electronic smoking devices**. Except as otherwise provided in this subsection, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, ~~or~~ alternative nicotine products, **electronic smoking devices** is a misdemeanor of the ~~fourth~~ **first** degree. ~~If the offender previously has been convicted of a violation of subsection (a)(2)C. of this section or a substantially equivalent state law or municipal ordinance, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.~~
- (7) Any cigarettes, other tobacco products, alternative nicotine products, **electronic smoking devices**, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of ORC 2151.87 are subject to seizure and forfeiture as contraband under ORC Chapter 2981. (ORC 2927.02)

**537.161 AFFIRMATIVE DEFENSE TO CIGARETTE, TOBACCO, ALTERNATIVE NICOTINE PRODUCT, ELECTRONIC SMOKING DEVICE CHARGE.**

- (a) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of 537.16 of the Hilliard Codified Ordinances in which the age of the purchaser or other recipient of cigarettes, other tobacco products, alternative nicotine products, or electronic smoking devices is an element of the alleged violation, if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:
  - (1) A card holder attempting to purchase or receive cigarettes, other tobacco products, alternative nicotine products, or electronic smoking devices presented a driver's or commercial driver's license or an identification card.
  - (2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid
  - (3) The cigarettes, other tobacco products, alternative nicotine products, or electronic smoking devices were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.
- (b) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (a) of this section, the trier of fact in the action for the alleged violation of section 537.16 of the Hilliard Codified Ordinances shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 537.16 of the Hilliard Codified Ordinances. For purposes of division (a)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:
  - (1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, alternative nicotine products, or electronic smoking devices is twenty-one years of age or older;
  - (2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.
- (c) In any criminal action in which the affirmative defense provided by division (a) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.



**537.162 PROHIBITING PERSONS AGE EIGHTEEN TO TWENTY-ONE FROM POSSESSING, USING, PURCHASING, RECEIVING, OR FURNISHING FALSE INFORMATION TO OBTAIN TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES**

- (a) No person who is eighteen years of age or older but younger than twenty-one years of age shall do any of the following unless accompanied by a parent, spouse, or legal guardian of the child, each of whom shall be twenty-one years of age or older:
  - (1) Use, consume, or possess tobacco products or electronic smoking devices;
  - (2) Purchase or attempt to purchase tobacco products or electronic smoking devices;
  - (3) Order, pay for, or share the cost of tobacco products or electronic smoking devices;
  - (4) Except as provided in division (c) of this section, accept or receive tobacco products or electronic smoking devices.
- (b) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products or electronic smoking devices.
- (c)
  - (1) It is not a violation of division (b)(4) of this section for a person who is eighteen years of age or older but younger than twenty-one years of age to accept or receive tobacco products or electronic smoking devices, if the person is required to do so in the performance of the person's duties as an employee of that person's employer and the person's acceptance or receipt of tobacco products or electronic smoking devices occurs exclusively within the scope of the person's employment.
  - (2) It is not a violation division (b)(1), (2), (3), or (4) of this section if the person who is eighteen years of age or older but younger than twenty-one years of age possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives tobacco products or electronic smoking devices while participating in an inspection or compliance check conducted by a federal, state, local, or corporate entity at a location at which tobacco products or electronic smoking devices are sold or distributed.
  - (3) It is not a violation of divisions (b)(1), (2), (3), or (4) of this section if the person who is eighteen years of age or older but younger than twenty-one years of age possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives electronic smoking devices while an approved patient in the Ohio Medical Marijuana Control Program with an active Medical Marijuana Card, as those terms are defined in Ohio R.C. Chapter 3796, and uses the electronic smoking device in compliance with the Ohio Medical Marijuana Control Program Guidelines.
- (d)
  - (1) Whoever violates division (a) of this section is guilty of possessing, using, purchasing, or receiving tobacco products or electronic smoking devices. Possessing, using, purchasing, or receiving tobacco products or electronic smoking devices is a misdemeanor of the fourth degree.
  - (2) Whoever violates division (b) of this section is guilty of furnishing false information to obtain tobacco products or electronic smoking devices. Furnishing false information to obtain tobacco products or electronic smoking devices is a misdemeanor of the first degree.

### 539.07 PROHIBITING CHILD FROM POSSESSING, USING, PURCHASING OR RECEIVING CIGARETTES, OTHER TOBACCO, ALTERNATIVE NICOTINE PRODUCTS, OR ELECTRONIC SMOKING DEVICES

- (a) As used in this section:
- (1) "Tobacco product" has the same meaning as in Section 537.16 of the Hilliard Codified Ordinances.
  - (2) "Electronic Smoking Device" has the same meaning as in Section 537.16 of the Hilliard Codified Ordinances.
  - (3) "Youth smoking education program" means a private or public agency program that is related to tobacco use, prevention, and cessation, that is carried out or funded by the department of health pursuant to section 3701.84 of the Ohio Revised Code, that utilizes education methods focusing on the negative health effects of smoking and using tobacco products, and that is not more than twelve (12) hours in duration.
- (b) No child shall do any of the following unless accompanied by a parent, spouse, or legal guardian of the child, each of whom shall be twenty-one years of age or older:
- (1) Use, consume, or possess tobacco products or electronic smoking devices;
  - (2) Purchase or attempt to purchase tobacco products or electronic smoking devices;
  - (3) Order, pay for, or share the cost of tobacco products or electronic smoking devices;
  - (4) Except as provided in division (e) of this section, accept or receive tobacco products or electronic smoking devices.
- (c) No child shall knowingly furnish false information concerning that child's name, age or other identification for the purpose of obtaining tobacco products or electronic smoking devices.
- (d) A juvenile court shall not adjudicate a child a delinquent or unruly child for a violation of this section.
- (e)
- (1) It is not a violation of division (b)(4) of this section for a child to accept or receive tobacco products or electronic smoking devices, if the child is required to do so in the performance of the child's duties as an employee of that child's employer and the child's acceptance or receipt of tobacco products or electronic smoking devices occurs exclusively within the scope of the child's employment.
  - (2) It is not a violation of division (b)(1), (2), (3), or (4) of this section if the child possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives tobacco products or electronic smoking devices while participating in an inspection or compliance check conducted by a federal, state, local, or corporate entity at a location at which tobacco products or electronic smoking devices are sold or distributed.
  - (3) It is not a violation of divisions (b)(1), (2), (3), or (4) of this section if the child possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives electronic smoking devices while an approved patient in the Ohio Medical Marijuana Control Program with an active Medical Marijuana Card, as those terms are defined in Ohio R.C. Chapter 3796, and uses the electronic smoking device in compliance with the Ohio Medical Marijuana Control Program Guidelines.
- (f) If a juvenile court finds that a child violated division (b) or (c) of this section, the court shall do either or all of the following:

- (1) require the child to attend a youth smoking education program or other smoking treatment program approved by the court, if one is available;
- (2) impose a fine of not more than one hundred dollars (\$100);
- (3) require the child to perform not more than twenty hours of community service.

or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2151.87. (A) As used in this section:

~~(1) "Alternative nicotine product," "cigarette," and "tobacco "~~"Tobacco product" have has the same meanings meaning as in section 2927.02 of the Revised Code.

~~(2) "Youth smoking education program" means a private or public agency program that is related to tobacco use, prevention, and cessation, that is carried out or funded by the department of health pursuant to section 3701.84 of the Revised Code, that utilizes educational methods focusing on the negative health effects of smoking and using tobacco products, and that is not more than twelve hours in duration.~~

(B) No child shall do any of the following unless accompanied by a parent, spouse ~~who is eighteen years of age or older~~, or legal guardian of the child, each of whom shall be twenty-one years of age or older:

(1) Use, consume, or possess ~~cigarettes, other tobacco products; alternative nicotine products, or papers used to roll cigarettes;~~

(2) Purchase or attempt to purchase ~~cigarettes, other tobacco products; alternative nicotine products, or papers used to roll cigarettes;~~

(3) Order, pay for, or share the cost of ~~cigarettes, other tobacco products; alternative nicotine products, or papers used to roll cigarettes;~~

(4) Except as provided in division (E) of this section, accept or receive ~~cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.~~

(C) No child shall knowingly furnish false information concerning that child's name, age, or other identification for the purpose of obtaining ~~cigarettes, other tobacco products, alternative nicotine products, or papers~~

~~used to roll cigarettes.~~

(D) A juvenile court shall not adjudicate a child a delinquent or unruly child for a violation of ~~division (B)(1), (2), (3), or (4) or (C) of this section.~~

(E)(1) It is not a violation of division (B)(4) of this section for a child to accept or receive ~~cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes~~ if the child is required to do so in the performance of the child's duties as an employee of that child's employer and the child's acceptance or receipt of ~~cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes~~ occurs exclusively within the scope of the child's employment.

(2) It is not a violation of division (B)(1), (2), (3), or (4) of this section if the child possesses, purchases or attempts to purchase, orders, pays for, shares the cost of, or accepts or receives ~~cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes~~ while participating in an inspection or compliance check conducted by a federal, state, local, or corporate entity at a location at which ~~cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes~~ are sold or distributed.

~~(3) It is not a violation of division (B)(1) or (4) of this section for a child to accept, receive, use, consume, or possess cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while participating in a research protocol if all of the following apply:~~

~~(a) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.~~

~~(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.~~

~~(c) The child is participating in the research protocol at the facility or location specified in the research protocol.~~

(F) If a juvenile court finds that a child violated division ~~(B)(1), (2), (3), or (4) or (C)~~ of this section, the court may ~~do either or both of the following:~~

~~(1) Require the child to attend a youth smoking education program or other smoking treatment program approved by the court, if one is available;~~

~~(2) Impose a fine of not more than one hundred dollars.~~

~~(G) If a child disobeys a juvenile court order issued pursuant to division (F) of this section, the court may do any or all of the following:~~

~~(1) Increase the fine imposed upon the child under division (F)(2) of this section;~~

~~(2) Require~~ require the child to perform not more than twenty hours of community service;

~~(3) Suspend for a period of thirty days the temporary instruction permit,~~

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~~probationary driver's license, or driver's license issued to the child.~~

~~(H) A child alleged or found to have violated division (B) or (C) of this section shall not be detained under any provision of this chapter or any other provision of the Revised Code.~~

(G) Division (B) of this section does not apply to a child if the parent, spouse, or legal guardian of the child is eighteen years of age on or before October 1, 2019. The version of division (B) of this section that was in effect prior to the effective date of this amendment applies to such a child.

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of the Revised Code:

(1) "Host family" means any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. The individual also may provide care for the individual's own child or children. The term "host family" excludes a foster home.

(2) "Qualified organization" means a private association, organization, corporation, nonprofit, or other entity that is not a Title IV-E reimbursable setting and that has established a program that does all of the following:

(a) Provides resources and services to assist, support, and educate parents, host families, children, or any person hosting a child under a host family agreement on a temporary basis;

(b) Requires a criminal records check on the intended host family and all adults residing in the host family's household;

(c) Requires a background check in the central registry of abuse and neglect of this state from the department of job and family services for the intended host family and all adults residing in the host family's household;

(d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement;

(e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows:

(i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter;

(ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month;

(iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child.

(f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian.

degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

Sec. 2927.02. (A) As used in this section and sections 2927.021 and 2927.022 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is ~~eighteen~~ twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to division (A)(2)(b) of this section, an electronic ~~cigarette~~ smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) ~~"Child" has the same meaning as in section 2151.011 of the Revised Code.~~

(4) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

~~(5)~~(4) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes.

~~(6)(a)~~(5) "Electronic smoking device" means, ~~subject to~~



~~division (A)(6)(b) of this section, any electronic product or device that produces a vapor that delivers~~ any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as including an electronic cigarette, electronic cigar, electronic cigarillo, hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

~~(b) "Electronic cigarette" does not include any item, product, or device described in divisions (A)(2)(b)(i) to (iv) of this section.~~

~~(7)(6)~~ "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is eighteen years of age or older.

~~(8)(7)~~ "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, or snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

~~(9)(8)~~ "Vapor product" means a product, other than a cigarette or other tobacco product as defined in Chapter 5743. of the Revised Code, 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. "Vapor product" includes any component, part, or additive that is intended for use in an electronic smoking device, a mechanical heating element, battery, or electronic circuit and is used to deliver the product. "Vapor product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" includes any product containing nicotine,



regardless of concentration.

(9) "Vending machine" has the same meaning as "coin machine" in section 2913.01 of the Revised Code.

(B) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes, and no other person shall do any of the following:

(1) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any ~~child~~ person under twenty-one years of age;

(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes 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 cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under ~~eighteen~~ twenty-one years of age is prohibited by law;

(3) Knowingly furnish any false information regarding the name, age, or other identification of any ~~child~~ person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that ~~child~~ person;

(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification.

(C) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(1) An area within a factory, business, office, or other place not open to the general public;

(2) An area to which ~~children~~ persons under twenty-one years of age are not generally permitted access;

(3) Any other place not identified in division (C)(1) or (2) of this

section, upon all of the following conditions:

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

(b) The vending machine is inaccessible to the public when the place is closed.

(c) A clearly visible notice 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 or alternative nicotine products."

(D) The following are affirmative defenses to a charge under division (B)(1) of this section:

(1) The ~~child~~ person under twenty-one years of age was accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age.

(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a ~~child~~ person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age.

(E) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a ~~child~~ person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the ~~child~~ person under twenty-one years of age is participating in a research protocol if all of the following apply:

(1) The parent, guardian, or legal custodian of the ~~child~~ person under twenty-one years of age has consented in writing to the ~~child~~ person under twenty-one years of age participating in the research protocol.

(2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.

(3) The ~~child~~ person under twenty-one years of age is participating in

the research protocol at the facility or location specified in the research protocol.

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or (6) or (C) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), or (6) or (C) of this section, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(2) Whoever violates division (B)(3) of this section is guilty of permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(3) of this section, permitting ~~children~~ a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(G) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a ~~child~~ person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a ~~child~~ person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code.

(H) This section shall not apply to a person who is eighteen years of age on or before October 1, 2019. The version of this section that was in effect prior to the effective date of this amendment shall apply to a person who is eighteen years of age on or before October 1, 2019.

Sec. 2927.022. (A) A seller or an agent or employee of a seller may not be found guilty of a charge of a violation of section 2927.02 of the Revised Code in which the age of the purchaser or other recipient of cigarettes, other tobacco products, or alternative nicotine products is an element of the alleged violation, if the seller, agent, or employee raises and proves as an affirmative defense that all of the following occurred:

(1) A card holder attempting to purchase or receive cigarettes, other tobacco products, or alternative nicotine products presented a driver's or

commercial driver's license or an identification card.

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2927.02 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2927.02 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles in the action.

Sec. 2927.024. (A) No person who is eighteen years of age or older but younger than twenty-one years of age shall knowingly furnish false information concerning that person's name, age, or other identification for the purpose of obtaining tobacco products.

(B) Whoever violates division (A) of this section is guilty of furnishing false information to obtain tobacco products. Except as otherwise provided in this division, furnishing false information to obtain tobacco products is a misdemeanor of the fourth degree. If the offender previously has been

convicted of or pleaded guilty to a violation of division (A) of this section, furnishing false information to obtain tobacco products is a misdemeanor of the third degree.

Sec. 2929.13. (A) Except as provided in division (E), (F), or (G) of this section and unless a specific sanction is required to be imposed or is precluded from being imposed pursuant to law, a court that imposes a sentence upon an offender for a felony may impose any sanction or combination of sanctions on the offender that are provided in sections 2929.14 to 2929.18 of the Revised Code.

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a



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**Youth Diversion Program  
Joint Safety Services Building  
5171 Northwest Parkway  
Hilliard, OH 43026**

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**Purpose:**

The City of Hilliard is committed to helping youth within our community live positive and substance free lives. The youth diversion program is an alternative resolution program that allows police officers to refer young individuals engaging in illegal behavior and provides an alternative to court proceedings. Using questionnaires and assessment tools, the diversion program will identify areas of risk and need to address and provide appropriate education and counseling referrals.

The program is voluntary for the parent(s), legal guardian(s), custodian(s), and the youth. All parties having a legal interest in a matter involving a youth offender must agree the diversion program is an acceptable resolution. The diversion coordinator will make the final decision on whether a youth is accepted into and successfully completes the program.

**Eligibility Criteria:**

1. The youth must be between the ages of 9-17 years of age;
2. Individuals aged 18-21 will be eligible for tobacco and electronic smoking device violations;
3. The request for diversion must be based upon the best interest of the youth; and
4. There must be probable cause to file a complaint with Juvenile Court or Mayor's Court.

**Disqualifying Factors:**

1. The seriousness of the alleged offense, including offenses of violence;
2. Prior participation in the diversion program (Consideration of a more intensive diversion case plan may be given for 2<sup>nd</sup> or 3<sup>rd</sup> offenses);
3. Prior police contact; and
4. Prior court contact.

**Procedure:**

1. The Hilliard Division of Police (HPD), with input from the School Resource Officer(s) and Hilliard City School District (HCSD) Staff when appropriate, will submit a diversion request form to the Coordinator.
2. Upon receipt of the referral form, the Coordinator will confirm whether the youth meets eligibility criteria. If the referred youth is eligible, the Coordinator will meet with the youth. If the youth is aged 9-17, the Coordinator will include their parent(s), legal guardian(s), or custodian(s) in the meeting.

3. The Coordinator will describe the purpose and procedure of the program, the assessment tool(s) will be used to determine a risk/need specific diversion plan, and upon successful completion of the program no criminal charges will be filed. If a youth aged 9-17 and parent(s), legal guardian(s), or custodian(s) agree to participate, they will sign an agreement including the rules and regulations of the program. Youth aged 18-21 will sign the agreement including the rules and regulations of the program.
4. Once the agreement has been signed, the youth will complete a background questionnaire and a risk/need assessment to determine what services are appropriate.
5. If the youth is aged 9-17, the parent(s), legal guardian(s), or custodian(s) will be required to complete a questionnaire to gain additional information about the youth regarding home life, substance abuse issues, mental health and medical history, peer associations, or any other observations important for diversion staff to know.
6. Based upon questionnaires and risk/need assessment(s), the Coordinator will develop an individualized diversion plan and requirements.
7. The Coordinator will notify HPD and HCSD (if applicable) whether the youth successfully completed, or diversion was unsuccessful and charges will be filed in the appropriate court.

#### **Requirements:**

1. Participate for three to six months and complete Diversion Plan
2. Pay \$100 Youth Diversion Program Fee (Indigency and financial hardship will be considered)
3. Meet with Coordinator at least monthly, or more frequently as requested
4. The following will be required based upon risk/need assessment:
  - a. Random urine screens
  - b. Tobacco/Vaping Education Program for Participant
  - c. Parent/Guardian/Custodian Vaping Education Class
  - d. Marijuana Specific Risk Education Class
  - e. Underage Drinking Education Class
  - f. Mental Health Assessment, when appropriate
  - g. Community Service
  - h. Reflective Essay
  - i. Restitution, when applicable
  - j. Smoking Cessation Classes & Coaching
  - k. If signs of substance use disorder, referral for further assessments and treatment

The City's goal is that parent(s), legal guardian(s), custodian(s), and youth benefit from this alternative program specifically tailored to individuals risks and needs in lieu of formal court proceedings.

If the youth offender is aged 9-17, his/her parent(s), legal guardian(s), or custodian(s) must sign the agreement to participate. Violations of any of the rules and regulations of the program may disqualify the youth offender from the program. Should this occur, the original charge(s) will be filed in the appropriate court.





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**Sam Smith**  
**Recovery Court Coordinator**  
**614-334-2484**  
**ssmith@hilliardohio.gov**

## Youth Diversion Referral Form

Referring Officer		Report #	
Defendant Name		Incident Date	
Defendant Address/Phone #		Location/School of Incident	
Defendant's Parents/Legal Guardian contact information/# (if under 18 years)			
Charges/Citations			
This officer has made the decision to refer the defendant to the diversion program based upon the following circumstances:			
Prior relevant school incidents:			
Relevant history of school discipline:			
Officer's recommendations for diversion program conditions to be completed:			
<input type="checkbox"/> Vaping Education	<input type="checkbox"/> Tobacco Education	<input type="checkbox"/> THC Education	<input type="checkbox"/> Theft Education
<input type="checkbox"/> Community Service	<input type="checkbox"/> Conflict Resolution/Anger Management Education	<input type="checkbox"/> Drug/Alcohol Assessment	<input type="checkbox"/> Restitution to Victim
<input type="checkbox"/> Job Readiness Assistance	<input type="checkbox"/> Remedial Driving Training/Education	<input type="checkbox"/> Family Counseling	<input type="checkbox"/> Other:
Officer Signature			Date

## Council Memo: Information Only

**Subject:** Tobacco and Electronic Smoking Device (ESD) Retail License  
**From:** Michelle Crandall, City Manager  
**Initiated by:** Kelly Clodfelder, Staff Attorney  
**Date:** May 23, 2022

### Summary

Although State and Federal efforts have raised the legal age for nicotine products from 18 to 21 in recent years, they did not provide communities with a comprehensive compliance program to hold retailers accountable for selling to youth. Staff believes enacting a Tobacco Retail License (TRL) or Tobacco and ESD Retail License (looking for feedback on what to call it) will provide a compliance program in our community to monitor tobacco and ESD sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations. The focus of this legislation would be to hold retailers accountable, not the clerk or the youth buyer.

Staff worked with Tobacco21 to learn about Tobacco Retail License programs, the enforcement structures, and the effectiveness at decreasing youth tobacco and vaping in communities. Representatives from Tobacco21 and other community partners will be present for the Council Workshop to answer any additional questions about these programs and implementation.

The City of Columbus passed Tobacco Retail License (TRL) legislation in 2016. Columbus Public Health (CPH) is tasked with enforcing that legislation. More information is available at: [Learn how the Tobacco 21 law will save lives. \(columbus.gov\)](https://www.columbus.gov/learn-how-the-tobacco-21-law-will-save-lives) The City intends to partner with Franklin County Public Health (FCPH) to be the enforcement agency if a TRL program is established. Staff made the community partners aware of the need for effective enforcement not only within city limits, but also increased enforcement by CPH near our community. In passing this legislation and codifying the City's commitment to addressing the youth tobacco and vaping health and safety concerns in the community, the community partners are committed to supporting and increasing the retail enforcement in the areas surrounding the City as well.

### Financial Impacts

The TRL program would be funded by grants FCPH has already received to enforce these types of programs and the annual license fee, meaning no cost to the City for implementation.

### Expected Benefits

A TRL program would provide an effective enforcement mechanism to monitor retailers and hold them accountable if they sell to youth. Research shows reducing access and sales to youth greatly decreases the number of youth that begin tobacco and vaping use in the community.

### Attachments

- Preventing Tobacco Addiction Foundation, Why Implement a Tobacco Retail License?
- Preventing Tobacco Addiction Foundation, Ohio Tobacco Retail License Landscape

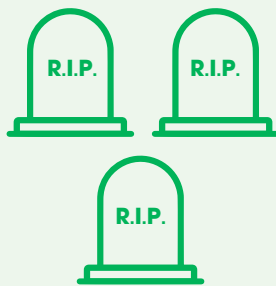
## Why Implement A Tobacco Retail License?

In October 2019, Ohio implemented a statewide Tobacco 21 law, and in December 2019, the federal government followed suit, enacting legislation that raised the legal sale age for all nicotine products from 18 to 21 effective across the United States.

### However, no law works unless it is enforced.

Statewide, Ohio has failed to undertake a comprehensive compliance approach to enforce the new minimum legal sales age of 21, and the Food and Drug Administration, which is empowered to enforce federal tobacco sales laws, has historically failed to enforce underage sales laws in Ohio. It has always been up to local authorities to require local retailers to abide by youth protection laws.

Tobacco Retail Licensing (TRL) has become an essential tool in both protecting kids from irresponsible or unscrupulous retailers, and in leveling the playing field for those retailers who do abide by the rules. Current Ohio law has a weak tobacco-tax permit system for cigarettes that ignores e-cigarettes, cigars, hookah and spit tobacco. TRL is therefore a vital regulatory tool that enables localities to monitor tobacco sales, fund compliance efforts, and create effective penalty and suspension structures for repeated violations – it closes the gap in tobacco regulation that was left open by both the federal and state Tobacco 21 laws.



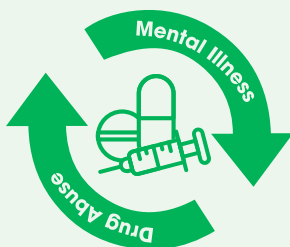
Tobacco products kill more than half a million Americans annually.



3.6 million middle-school and high-school kids use e-cigarettes (vape).



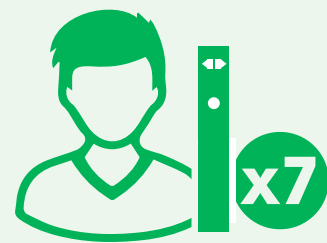
Adolescent vaping quadruples the risk of becoming a long-term smoker.



Youth nicotine addiction substantially increases risk of drug use and mental illness.



95% of current adult smokers began before the age of 21.



Teen vapers are up to 7 times more likely to get COVID-19 than non-e-cigarette users.

# A Local Tobacco Retail License Will

The Preventing Tobacco Addiction Foundation has analyzed Ohio's statewide tobacco control laws to provide local advocates with a summary of the current landscape. This document highlights the opportunities and best practice methods that exist under Ohio statute in order for local jurisdictions to create a more robust and comprehensive system through the adoption of a local Tobacco Retailer Licensing Program.

## PROTECT KIDS

- Reduces youth initiation to nicotine and tobacco through improved compliance with Tobacco 21 and other tobacco control initiatives.
- Provides foundational support for the implementation of other youth protections such as flavored product restrictions (including menthol), product discounts, tobacco-free pharmacies, mail-order/internet delivery regulation, and point-of-sale restrictions.
- Allows a municipality to regulate location, density, and types(s) of tobacco retailers permitted to operate in their jurisdiction.

## HOLD RETAILERS ACCOUNTABLE

- Establishes a comprehensive list of retailers in the local community, allowing the jurisdiction to adequately monitor retailer compliance while creating a database that can be used for future tobacco control initiatives.
- Authorizes local health departments to inspect tobacco and vape shops and conduct essential compliance checks on a regular basis to ensure retailer compliance.
- Allows local health departments the ability to revoke or suspend a retailer license if they repeatedly violate age-of-sale or other regulations.

## FUND ENFORCEMENT

- Supports the federal and Ohio Tobacco 21 laws by providing supplemental local enforcement through an annual license fee at no cost to the taxpayer.
- Creates a self-funding mechanism for administration, retailer education/training and comprehensive enforcement activity.

*This document is the short-form, executive summary of "Best Practices In Tobacco Retail Licensing" available on the Tobacco21.org website. Further details and scientific citations are available there.*

# Ohio Tobacco Retail License Landscape

The Preventing Tobacco Addiction Foundation has analyzed Ohio's statewide tobacco control laws to provide local advocates with a summary of the current landscape. This document highlights the opportunities and best practice methods that exist under Ohio statute in order for local jurisdictions to create a more robust and comprehensive system through the adoption of a local Tobacco Retailer Licensing Program.

## RETAIL LICENSE

While Ohio law does require retail dealers of cigarettes to obtain a simple tax permit, it does not require retailers of tobacco products (electronic cigarettes, cigars, hookah, etc.) to obtain any kind of permit or license. The state has no systematic way to know who is selling tobacco and nicotine products.

### Opportunity:

Tobacco Retail License should include all tobacco products.

## DEFINITIONS

Ohio law does include a comprehensive definition of tobacco products – “tobacco products” includes electronic smoking devices.

**Tobacco Product** - Any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. Tobacco product” also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and liquids used in electronic smoking devices, whether or not they contain nicotine. “Tobacco product” does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

## AGE RESTRICTION

Consistent with federal law, Ohio law prohibits sales of all nicotine and tobacco products to persons under the age of 21.

## ENFORCEMENT AGENCY

Ohio's Investigative Unit, an arm of the Ohio State Highway Patrol, is the designated enforcement agency. This unit is understandably designed to prioritize enforcement of criminal law.

### Opportunity:

Tobacco sales are a critical health issue and local health departments are better equipped to work with local retailers to ensure compliance.

## COMPLIANCE CHECKS

Ohio does not mandate a minimum number of annual compliance checks for underage sales. In the absence of a mandate, historically few checks are ever done.

### Opportunity:

Without adequate enforcement, noncompliant retailers take full advantage of this loophole, putting both kids and law-abiding retailers at risk. Each tobacco retailer shall be subject to at least two unannounced compliance checks per year. The health department/designated authority shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter the tobacco retail establishment to attempt to purchase tobacco products.

## PENALTIES

Penalties for violation of selling to underage youth are not clearly defined in state code. Nor does state code indicate that selling privileges may be suspended or revoked for repeated underage tobacco sales.

### Opportunity:

A TRL (Tobacco Retail License) ordinance should establish a civil penalty structure that holds the retailers accountable; not the clerk or the underage buyer.

Any tobacco retailer found to have violated this [statute/ ordinance] shall be subject to:

- (1) For a first violation, a fine no less than \$500;
- (2) For a second violation within a 36-month period, a fine no less than \$750 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of seven days;
- (3) For a third violation within a 36-month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a minimum of 30 days; and
- (4) For a fourth and any subsequent violations within a 36-month period, a fine no less than \$1,000 and the tobacco retailer shall be prohibited from distributing tobacco products for a period of three years.

## AGE VERIFICATION

Identification verification is not required in state code.

### Opportunity:

Before distributing any tobacco product, the tobacco retailer or the tobacco retailer's agent or employee shall verify the purchaser is at least 21 years of age by examining the purchaser's government-issued ID if the purchaser appears to be under 30 years of age.

## SIGNAGE

Ohio law does require retail establishments to "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 cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law."

## PURCHASE, USE OR POSSESSION

Under O.R.C. 2151.87, youth under the age of 18 are prohibited from purchase, use or possession of tobacco products.

### Opportunity:

Purchase, use, or possession laws are unlikely to reduce youth smoking significantly. Also, they may undermine other conventional avenues of youth discipline, divert attention from more effective tobacco control strategies and relieve the tobacco industry of responsibility for its marketing practices. Some communities are concerned that these provisions may be enforced inconsistently with respect to youth from certain racial and ethnic groups, resulting in their introduction into the criminal justice system.

INTERACT  
FOR HEALTH

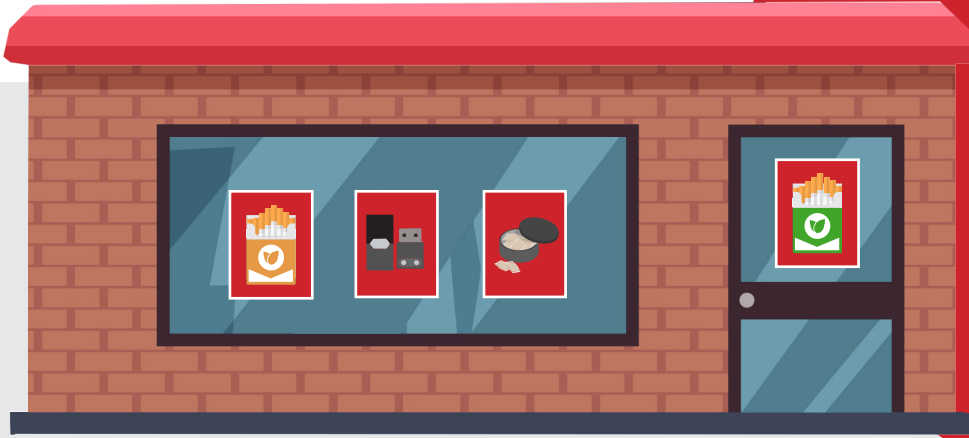
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PREVENTING TOBACCO  
ADDICTION FOUNDATION



American  
Heart  
Association.



# THE NEED FOR TOBACCO RETAIL LICENSING

We need to know where harmful tobacco products are being sold and that retailers are following tobacco laws. Tobacco retail licensing policies will help.

## THE PROBLEM



### PREVALENCE:

Tobacco products are sold all over - grocery stores, gas stations, pharmacies, convenience stores - from big cities to rural communities.

### YOUTH USE:

23.6 percent of high school students report current use of any tobacco product

(cigarettes, electronic cigarettes, cigars, smokeless tobacco, hookah, pipe tobacco, and/or bidis)

### YOUTH ACCESS:

3 out of 4 kids who try to buy tobacco products are not refused sale even though they are under the legal sales age.



### MARKETING/ TARGETING:

**Tobacco companies advertise where kids regularly gather and shop.**

For example, menthol cigarettes, which are less harsh to smoke and more addictive, are intentionally sold at discounted prices near schools that Black students attend. To reach rural kids, smokeless tobacco brands sponsor rodeos, where up to 1/3 of the audience are children and teens.



**EQUITY:** Tobacco companies have targeted racial and ethnic minorities with their products for decades.

Research shows that there are more tobacco retailers in communities with predominantly Black and Hispanic residents. More stores selling tobacco products = more exposure to ads and products.



# THE BENEFITS

**Tobacco retail licensure (TRL):** An effective tobacco control tool that requires every store that sells tobacco products to apply for a license.



## Track and Limit the Sale of Tobacco Products:

Licensing enables communities to know where tobacco products are being sold, and it can allow officials to set limits on the location, number, and types of stores that sell tobacco products.



## Enforce Tobacco Laws:

Fees from licensing can be used to fund compliance checks, giving officials the resources needed to enforce tobacco laws and consequently reduce illegal sales to youth.



## Curb Youth Use:

With tobacco retail licensure, we can monitor where tobacco products are being sold and who they're being sold to. Tobacco retail licensure holds retailers accountable to refuse sale of harmful and additive products to youth.

# THE AMERICAN HEART ASSOCIATION RECOMMENDS



## Eliminate Youth Penalties:

Kids should not be penalized for purchase, use or possession of harmful products that have been aggressively marketed and illegally sold to them. Tobacco retailers should be held accountable.



## Fine the License Holder:

Penalties for failing to follow tobacco control laws should be levied on the business owner rather than store employees who are likely low-wage earners and unable to afford financial penalties. By holding the retailer accountable for fees and fines, proper training on tobacco control laws is more likely to take place.



## Allocate Funding for Compliance Checks:

Fees collected from retail licensing should be used to fund compliance checks to ensure retailers are not selling dangerous tobacco products to kids.

We have the tools to make tobacco retail licensing standard in our community. Join the American Heart Association's work to make it happen.

# Tobacco Retail Licensure

**Strong tobacco retail licensure (TRL) provides standards for retailers of tobacco products and electronic smoking devices in order to ensure the minimum legal sales age is being enforced, that applicable local, state, and federal laws are being followed, and where applicable, taxes are being accurately collected.**

Following the 1998 Master Settlement Agreement that restricted advertising by tobacco companies, the industry shifted its focus to marketing in the retail setting. Since 1998, tobacco company advertising and marketing has increased from \$6.7 billion to \$9.1 billion in 2018.<sup>1</sup> This focus on retail spending is strongly associated with smoking initiation, particularly among youth.<sup>2</sup>

**The increase in popularity of e-cigarette and vaping products has placed increased need for tobacco retail licensure among all products.<sup>3</sup>**

- According to the National Youth Tobacco Survey, 16.5% of middle and high school students under the age of 18 report obtaining e-cigarettes in a vape shop in the past month, and 9.8% from a gas station or convenience store.<sup>3</sup>
- Furthermore, nearly 75% of youth that tried to buy tobacco products stated they were not refused sale.<sup>4</sup>
- The easy availability for over 1 in 4 youth e-cigarette users to obtain products from retail settings also likely contributes to the high amounts of youth reporting that they obtain e-cigarette products from social sources like friends and classmates.

In response, some states and communities have passed laws requiring e-cigarette retailers and vape shops to have a license or permit to sell their products.

**In an evaluation of multiple jurisdictions with varying degrees of retail licensure requirements, the jurisdictions with more restrictive requirements may benefit from lower cigarette and e-cigarette use and initiation among youth and young adults.<sup>4</sup>**

**Strong retail licensure requirements are an effective policy tool to limit youth initiation of tobacco products, as well as to prevent access and continued usage of these products.**

- In 2016, California required retailers to obtain tobacco product retailer license for any retailer that attempted to sell any product containing nicotine or tobacco, electronic smoking or vaping devices that deliver nicotine, and any component, part, or accessory of a tobacco product. A 2019 study evaluating the impact of California's local tobacco retail licensing ordinances on youth smoking rates found that youth and young adults that reside in jurisdictions with strong tobacco retail licensing ordinances had lower rates of e-cigarette and cigarette use compared to those who live in jurisdictions with poor TRL policies.<sup>5</sup> Additionally, youth were less likely to smoke in high school and initiate smoking at 18.

**Retail licensure strategies are an effective approach to decrease the prevalence of youth tobacco use and reduce the socioeconomic disparities in tobacco use and retailer density.**

- A study conducted in Philadelphia, Pennsylvania found a significant decline in tobacco retailer density after implementation of strong tobacco retail regulations. Retailer density declined by 20.3% after 3 years of implementation, and a 12% decrease in the rates of retailers near schools.<sup>6</sup>

**To effectively curb the high rates of access to tobacco products by youth in the retail setting, adequate retail licensure is necessary. The American Heart Association recommends that in order to be effective, the following elements must be included:**

- An annual license fee that is high enough to cover the cost of enforcement and compliance.
- Clear process to establish requirements to apply for a license.
- Minimum of one compliance check per store per year, with a mandatory recheck for compliance failures.
- Escalating monetary compliance check failure penalties paid by the retailer, with a license suspension of at least 15 days by the third offense, and license revocation by the fourth offense within at least a two-year period.
- No criminal or monetary penalties for youth use and possession.
- Penalty for selling tobacco products without a license.

<sup>1</sup> U.S. Federal Trade Commission (FTC), Cigarette Report for 2018, 2019, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigaretterepor2018.pdf> [data for top 5 manufacturers only]; FTC, Smokeless Tobacco Report for 2018, 2019, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018smokeless-tobacco-report-2018/p114508smokelesstobaccoreport2018.pdf> [data for top 5 manufacturers only].

<sup>2</sup> 2012 U.S. Surgeon General's Report, *supra* note 4, at 543; see also Lisa Henriksen et al., Is Adolescent Smoking Related to the Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?, 47 Preventive Med. 210–12 (2008); William J. McCarthy et al., Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students, 99 Am. J. of Pub. Health 2006, 2011–2012 (2009); Sandy J. Slater et al., The Impact of Retail Cigarette Marketing Practices on Youth Smoking Uptake, 161 Arch. Pediatr. Adolesc. Med. 440 (2007); Nina Schleicher et al., Tobacco Outlet Density Near Home and School: Associations with Smoking and Norms Among Teens, 91 Preventive Med. 287–93 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5065244>.

<sup>3</sup> Liu, ST, et al., "Youth Access to Tobacco Products in the United States, 2016–2018," Tobacco Regulatory Science, 5(6): 491–501, 2019

<sup>4</sup> Pediatrics February 2019, 143 (2) e20173536; DOI: <https://doi.org/10.1542/peds.2017-3536>

<sup>5</sup> Astor RL, Urman R, Barrington-Trimis JL, et al. Tobacco Retail Licensing and Youth Product Use. Pediatrics. 2019;143(2): e20173536

<sup>6</sup> Lawman HG, Henry KA, Scheeres A, et al., "Tobacco Retail Licensing and Density 3 Years After License Regulations in Philadelphia, Pennsylvania (2012–2019). American Journal of Public Health 110, 547–553, <https://doi.org/10.2105/AJPH.2019.305512>