

FREQUENTLY ASKED QUESTIONS

TOBACCO PREVENTION AND CONTROL PROGRAM

When did Columbus Public Health begin their Tobacco 21 program? When are flavored tobacco products no longer allowed to be sold or given away in the City of Columbus?

On December 12, 2016, city council passed an ordinance that gave Columbus Public Health authority to regulate tobacco and paraphernalia retailers by licensing and enforcing civil fines. The Board of Health amended relevant City Health Code Chapter 248 language on March 21, 2023 to prohibit flavored tobacco products from being sold or given away in the City of Columbus, beginning January 1, 2024.

Why were these laws passed?

The health and safety of residents is our number one priority and these laws support Columbus Public Health's strategic priority to reduce chronic disease and tobacco use in our community. Tobacco use kills nearly half a million people each year and 81% of youth report their first tobacco product was flavored.

What are the requirements for tobacco and paraphernalia retailers in the City of Columbus?

The law prohibits the sale of tobacco products and/or product paraphernalia without a Retail Tobacco and Paraphernalia Sales License (or a Temporary Retail Tobacco and Paraphernalia Sales License) issued by Columbus Public Health. It prohibits sales to anyone under the age of 21, and ID checks must be performed for anyone under age 30. Signs are required to be properly posted and flavored tobacco products are prohibited from being sold or given away, beginning January 1, 2024 (excluding flavored shisha tobacco).

What is included in the City Health Code about flavored tobacco products, electronic smoking devices, product paraphernalia and tobacco products?

- Flavored tobacco products are tobacco products which have a taste or smell other than the taste or smell of tobacco. Flavored tobacco products include, but are not limited to: tobacco products with any taste or smell related to fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice.
- Electronic smoking devices include, but are not limited to: e-cigarettes, e-cigars, e-pipes, vape pens and e-hookah.
- Product paraphernalia include, but are not limited to: pipes and rolling papers.
- Tobacco products include, but are not limited to: cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, snus, electronic smoking devices, filters, rolling papers, pipes and liquids, with or without nicotine, used in electronic smoking devices.

How do I obtain a Retail Tobacco and Paraphernalia Sales License?

All tobacco and paraphernalia retailers are required to apply for and retain a valid Retail Tobacco and Paraphernalia Sales License every year. License applications are sent to retailers to complete and return to Columbus Public Health. (Applications are also available on our website.) A license is required for each location and the license is non-transferable. Retailers must submit a current and valid Vendor's License to Columbus Public Health before applications will be processed. Retailers that distribute, store or sell cigarettes are required to submit a current and valid Retail Cigarette Dealer's License to the department prior to approval for licensing. Any retailer who permits smoking inside a business shall submit a current and valid Ohio Department of Health retail tobacco store exemption with their license application.

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How much does a Retail Tobacco and Paraphernalia Sales License cost?

Effective January 1, 2024, the annual license fee for each license will be \$350. (Prior to January 1, 2024, the license fee will continue to be \$150.) The license is valid from October 1 to September 30 of the following year. A penalty fee equal to 25% of the applicable license fee is assessed by the Board of Health for license fee payments that are not received or postmarked by October 1.

Do I need to obtain a license if I am selling tobacco products or product paraphernalia at an event?

Yes. You need to obtain a Temporary Retail Tobacco and Paraphernalia Sales License for the event. An application (available on our website) needs to be submitted to Columbus Public Health at least 10 days prior to the event and the license is valid for no longer than 30 consecutive days. This temporary license is limited for use at a single event. The license fee is \$50. Anyone who fails to apply for the license prior to the beginning of the event will be subject to denial of their license application.

Can I be denied a Retail Tobacco and Paraphernalia Sales License? Is it possible to have a Retail Tobacco and Paraphernalia Sales License suspended or revoked by Columbus Public Health?

Licenses can be denied, suspended or revoked for giving or selling cigarettes, tobacco products or product paraphernalia to anyone under the age of 21 and failing to check ID for customers who are under age 30. Additionally, licenses may be denied, suspended or revoked for: giving or selling cigarettes, tobacco products or product paraphernalia from a vending machine; improperly posting signs; failing to pay any outstanding fines; having the business declared a nuisance by the court; submitting a misleading, inaccurate or false license application; and failing to be in compliance with applicable city, state and federal codes. Effective January 1, 2024, licenses can also be denied, suspended or revoked for giving or selling flavored tobacco products (excluding flavored shisha tobacco).

How do I get signs regarding the law and where should they be posted in my business?

Columbus Public Health provides signs to all licensees. Signs will need to be posted within 6 feet of each cash register or place where payment may be made in the business. Signs must be in view of both employees and customers. Obscuring signs is prohibited. The sign shall state, "NO PERSON UNDER THE AGE OF 21 MAY BE SOLD TOBACCO PRODUCTS, INCLUDING ELECTRONIC SMOKING DEVICES." The sign must be at least 6 by 4 inches and the words on the sign printed in high contrast red color with capitalized letters at least 0.3 inches high.

How will underage sales and flavored tobacco sales be enforced in the City of Columbus?

Inspections will be conducted for all locations which hold a Retail Tobacco and Paraphernalia Sales License and at least once during the event for all Temporary Retail Tobacco and Paraphernalia Sales Licenses. These inspections will include a secret shopper who will attempt an underage and/or a flavored tobacco product purchase. Sign inspections will be conducted at each business to ensure proper placement of signs. A civil fine of \$1,000 will be issued for the first violation. A second violation within two years of the first violation will be issued a civil fine of \$5,000 per violation. For a third and all subsequent violations within two years of an initial violation, a fine of \$10,000 per violation and license revocation for the business will be issued. Any violations which occur more than two years after a previous violation will not be considered a second or subsequent violation.

Still have questions or want more information?

Please contact the Tobacco Prevention and Control Program supervisor at (614) 645-5316 or MRMcArthur@Columbus.gov.

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