

As Reported by the Senate Ways and Means Committee

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Sub. H. B. No. 513

Representatives Cross, Roemer

**Cosponsors: Representatives Seitz, Riedel, Schmidt, Lipps, Stoltzfus, Fraizer,
Loychik, Carruthers, Grendell, Hillyer, Jones, Kick, Merrin, Oelslager, Patton,
Richardson, Wilkin**

A BILL

To amend sections 5743.01, 5743.51, 5743.53, 1
5743.63, and 5743.64 and to enact sections 9.681 2
and 5743.06 of the Revised Code regarding the 3
deduction and recovery of bad debts for 4
cigarette and tobacco and vapor products taxes, 5
the taxation of certain vapor product 6
manufacturers and importers, and local 7
regulation of tobacco products and alternative 8
nicotine products. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 5743.01, 5743.51, 5743.53, 10
5743.63, and 5743.64 be amended and sections 9.681 and 5743.06 11
of the Revised Code be enacted to read as follows: 12

Sec. 9.681. (A) As used in this section, "tobacco product" 13
and "alternative nicotine product" have the same meanings as in 14
section 2927.02 of the Revised Code. 15

(B) The regulation of tobacco products and alternative 16

nicotine products is a matter of general statewide concern that 17
requires statewide regulation. The state has adopted a 18
comprehensive plan with respect to all aspects of the giveaway, 19
sale, purchase, distribution, manufacture, use, possession, 20
licensing, taxation, inspection, and marketing of tobacco 21
products and alternative nicotine products. No political 22
subdivision may enact, adopt, renew, maintain, enforce, or 23
continue in existence any charter provision, ordinance, 24
resolution, rule, or other measure that conflicts with or 25
preempts any policy of the state regarding the regulation of 26
tobacco products or alternative nicotine products, including, 27
without limitation, by: 28

(1) Setting or imposing standards, requirements, taxes, 29
fees, assessments, or charges of any kind regarding tobacco 30
products or alternative nicotine products that are the same as 31
or similar to, that conflict with, that are different from, or 32
that are in addition to, any standard, requirement, tax, fee, 33
assessment, or other charge established or authorized by state 34
law; 35

(2) Lowering or raising an age requirement provided for in 36
state law in connection with the giveaway, sale, purchase, 37
distribution, manufacture, use, possession, licensing, taxation, 38
inspection, and marketing of tobacco products or alternative 39
nicotine products; 40

(3) Prohibiting an employee eighteen years of age or older 41
of a manufacturer, producer, distributor, wholesaler, or 42
retailer of tobacco products or alternative nicotine products 43
from selling tobacco products or alternative nicotine products; 44

(4) Prohibiting an employee eighteen years of age or older 45
of a manufacturer, producer, distributor, wholesaler, or 46

retailer of tobacco products or alternative nicotine products 47
from handling tobacco products or alternative nicotine products 48
in sealed containers in connection with manufacturing, storage, 49
warehousing, placement, stocking, bagging, loading, or 50
unloading. 51

(C) In addition to any other relief provided, the court 52
shall award costs and reasonable attorney fees to any person, 53
group, or entity that prevails in a challenge to an ordinance, 54
resolution, regulation, local law, or other action as being in 55
conflict with this section. 56

(D) The general assembly finds and declares that this 57
section is part of a statewide and comprehensive legislative 58
enactment regulating all aspects of the giveaway, sale, 59
purchase, distribution, manufacture, use, possession, licensing, 60
taxation, inspection, and marketing of tobacco products and 61
alternative nicotine products. The general assembly further 62
finds and declares that the imposition of tobacco product and 63
alternative nicotine product regulation by any political 64
subdivision is a matter of statewide concern and would be 65
inconsistent with that statewide, comprehensive enactment. 66
Therefore, regulation of the giveaway, sale, purchase, 67
distribution, manufacture, use, possession, licensing, taxation, 68
inspection, and marketing of tobacco products and alternative 69
nicotine products is a matter of general statewide concern that 70
requires uniform statewide regulation. By the enactment of this 71
section, it is the intent of the general assembly to preempt 72
political subdivisions from the regulation of tobacco products 73
and alternative nicotine products. 74

(E) This section does not prohibit a political subdivision 75
from levying a tax expressly authorized by state law, including 76

the taxes authorized under Chapters 5739. and 5741. or sections 77
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, and 5743.324 78
of the Revised Code. 79

Sec. 5743.01. As used in this chapter: 80

(A) "Person" includes individuals, firms, partnerships, 81
associations, joint-stock companies, corporations, combinations 82
of individuals of any form, and the state and any of its 83
political subdivisions. 84

(B) "Wholesale dealer" includes only those persons: 85

(1) Who bring in or cause to be brought into this state 86
unstamped cigarettes purchased directly from the manufacturer, 87
producer, or importer of cigarettes for sale in this state but 88
does not include persons who bring in or cause to be brought 89
into this state cigarettes with respect to which no evidence of 90
tax payment is required thereon as provided in section 5743.04 91
of the Revised Code; or 92

(2) Who are engaged in the business of selling cigarettes, 93
tobacco products, or vapor products to others for the purpose of 94
resale. 95

"Wholesale dealer" does not include any cigarette 96
manufacturer, export warehouse proprietor, or importer with a 97
valid permit under 26 U.S.C. 5713 if that person sells 98
cigarettes in this state only to wholesale dealers holding valid 99
and current licenses under section 5743.15 of the Revised Code 100
or to an export warehouse proprietor or another manufacturer. 101

(C) "Retail dealer" includes: 102

(1) In reference to dealers in cigarettes, every person 103
other than a wholesale dealer engaged in the business of selling 104

cigarettes in this state, regardless of whether the person is 105
located in this state or elsewhere, and regardless of quantity, 106
amount, or number of sales; 107

(2) In reference to dealers in tobacco products, any 108
person in this state engaged in the business of selling tobacco 109
products to ultimate consumers in this state, regardless of 110
quantity, amount, or number of sales; 111

(3) In reference to dealers in vapor products, any person 112
in this state engaged in the business of selling vapor products 113
to ultimate consumers in this state, regardless of quantity, 114
amount, or number of sales. 115

(D) "Sale" includes exchange, barter, gift, offer for 116
sale, and distribution, and includes transactions in interstate 117
or foreign commerce. 118

(E) "Cigarettes" includes any roll for smoking made wholly 119
or in part of tobacco, irrespective of size or shape, and 120
whether or not such tobacco is flavored, adulterated, or mixed 121
with any other ingredient, the wrapper or cover of which is made 122
of paper, reconstituted cigarette tobacco, homogenized cigarette 123
tobacco, cigarette tobacco sheet, or any similar materials other 124
than cigar tobacco. 125

(F) "Package" means the individual package, box, or other 126
container in or from which retail sales of cigarettes are 127
normally made or intended to be made. 128

(G) "Storage" includes any keeping or retention of 129
cigarettes, tobacco products, or vapor products for use or 130
consumption in this state. 131

(H) "Use" includes the exercise of any right or power 132
incidental to the ownership of cigarettes, tobacco products, or 133

vapor products.	134
(I) "Tobacco product" or "other tobacco product" means any	135
product made from tobacco, other than cigarettes, that is made	136
for smoking or chewing, or both, and snuff.	137
(J) "Wholesale price" means the invoice price, including	138
all federal excise taxes, at which the manufacturer of the	139
tobacco product sells the tobacco product to unaffiliated	140
distributors, excluding any discounts based on the method of	141
payment of the invoice or on time of payment of the invoice. If	142
the taxpayer buys from other than a manufacturer, "wholesale	143
price" means the invoice price, including all federal excise	144
taxes and excluding any discounts based on the method of payment	145
of the invoice or on time of payment of the invoice.	146
(K) "Distributor" means:	147
(1) Any manufacturer who sells, barter, exchanges, or	148
distributes tobacco products to a retail dealer in the state,	149
except when selling to a retail dealer that has filed with the	150
manufacturer a signed statement agreeing to pay and be liable	151
for the tax imposed by section 5743.51 of the Revised Code;	152
(2) Any wholesale dealer located in the state who receives	153
tobacco products from a manufacturer, or who receives tobacco	154
products on which the tax imposed by this chapter has not been	155
paid;	156
(3) Any wholesale dealer located outside the state who	157
sells, barter, exchanges, or distributes tobacco products to a	158
wholesale or retail dealer in the state; or	159
(4) Any retail dealer who receives tobacco products on	160
which the tax has not or will not be paid by another	161
distributor, including a retail dealer that has filed a signed	162

statement with a manufacturer in which the retail dealer agrees 163
to pay and be liable for the tax that would otherwise be imposed 164
on the manufacturer by section 5743.51 of the Revised Code. 165

(L) "Taxpayer" means any person liable for the tax imposed 166
by section 5743.51, 5743.62, or 5743.63 of the Revised Code. 167

(M) "Seller" means any person located outside this state 168
engaged in the business of selling tobacco products or vapor 169
products to consumers for storage, use, or other consumption in 170
this state. 171

(N) "Manufacturer" means any person who manufactures and 172
sells cigarettes, tobacco products, or vapor products. 173

(O) "Importer" means any person that is authorized, under 174
a valid permit issued under Section 5713 of the Internal Revenue 175
Code, to import finished cigarettes into the United States, 176
either directly or indirectly. 177

(P) "Little cigar" means any roll for smoking, other than 178
cigarettes, made wholly or in part of tobacco that uses an 179
integrated cellulose acetate filter or other filter and is 180
wrapped in any substance containing tobacco, other than natural 181
leaf tobacco. 182

(Q) "Premium cigar" means any roll for smoking, other than 183
cigarettes and little cigars, that is made wholly or in part of 184
tobacco and that has all of the following characteristics: 185

(1) The binder and wrapper of the roll consist entirely of 186
leaf tobacco. 187

(2) The roll contains no filter or tip, nor any mouthpiece 188
consisting of a material other than tobacco. 189

(3) The weight of one thousand such rolls is at least six 190

pounds.	191
(R) "Maximum tax amount" means fifty cents plus the tax	192
adjustment factor computed under this division.	193
In April of each year beginning in 2018, the tax	194
commissioner shall compute a tax adjustment factor by	195
multiplying fifty cents by the cumulative percentage increase in	196
the consumer price index (all items, all urban consumers)	197
prepared by the bureau of labor statistics of the United States	198
department of labor from January 1, 2017, to the last day of	199
December of the preceding year and rounding the resulting	200
product to the nearest one cent; provided, that the tax	201
adjustment factor for any year shall not be less than that for	202
the immediately preceding year. The maximum tax amount resulting	203
from the computation of the tax adjustment factor applies on and	204
after the ensuing first day of July through the thirtieth day of	205
June thereafter.	206
(S) "Secondary manufacturer" means any person in this	207
state engaged in the business of repackaging, reconstituting,	208
diluting, or reprocessing a vapor product for resale to	209
consumers.	210
(T) "Vapor product" means any liquid solution or other	211
substance that (1) contains nicotine and (2) is depleted as it	212
is used in an electronic smoking product. "Vapor product" does	213
not include any solution or substance regulated as a drug,	214
device, or combination product under Chapter V of the "Federal	215
Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.	216
(U) "Electronic smoking product" means any noncombustible	217
product, other than a cigarette or tobacco product, that (1)	218
contains or is designed to use vapor products and (2) employs a	219

heating element, power source, electronic circuit, or other 220
electronic, chemical, or mechanical means, regardless of shape 221
or size, that can be used to produce vapor from the vapor 222
product. "Electronic smoking product" includes, but is not 223
limited to, an electronic cigarette, electronic cigar, 224
electronic cigarillo, electronic pipe, electronic hookah, vape 225
pen, vaporizer, or similar product or device, but does not 226
include any product regulated as a drug, device, or combination 227
product under Chapter V of the "Federal Food, Drug, and Cosmetic 228
Act," 21 U.S.C. 301, et seq. 229

(V) "Vapor distributor" means any person that: 230

(1) Sells vapor products to a retail dealer; 231

(2) Is a retail dealer that receives vapor products with 232
respect to which the tax imposed by this chapter has not or will 233
not be paid by another person that is a vapor distributor; 234

(3) Is a secondary manufacturer; 235

(4) Is a wholesale dealer located in this state that 236
receives vapor products from a manufacturer, or receives vapor 237
products on which the tax imposed by this chapter has not been 238
paid; 239

(5) Is a wholesale dealer located outside this state that 240
sells vapor products to a wholesale dealer in this state. 241

"Vapor distributor" does not include a qualifying vapor 242
manufacturer or importer. 243

(W) "Vapor volume" means one of the following, as 244
applicable: 245

(1) If a vapor product is sold in liquid form, one-tenth 246
of one milliliter of vapor product; 247

(2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product. 248
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(X) "Qualifying vapor manufacturer or importer" means a manufacturer or importer of vapor products that meets all of the following criteria: 250
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(1) The person is validly registered with the federal bureau of alcohol, tobacco, firearms, and explosives pursuant to 15 U.S.C. 376 and with the tax commissioner under section 5743.66 of the Revised Code. 253
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(2) The person sells vapor products only to vapor distributors holding valid and current licenses under section 5743.61 of the Revised Code and to persons outside of this state. 257
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Sec. 5743.06. (A) As used in this section, "bad debt" means any debt that arises from the sale by a wholesale dealer of cigarettes properly stamped under section 5743.03, 5743.031, or 5743.04 of the Revised Code, that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the wholesale dealer kept accounts on an accrual basis. "Bad debt" does not include any interest or financing charges on the debt, expenses incurred in attempting to collect the debt or for any portion of the debt recovered, any accounts receivable that have been sold or assigned to a third party, or repossessed property. 261
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(B) A wholesale dealer may apply to the tax commissioner for a refund of the value of cigarette tax stamps, less any 275
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discounts provided under section 5743.05 of the Revised Code, 277
that are part of bad debt of the dealer. The commissioner shall 278
not refund any amount for bad debt under this section unless the 279
dealer has charged off the bad debt on its books as 280
uncollectible. If a purchaser or other person pays all or part 281
of a bad debt with respect to which a wholesale dealer received 282
a refund under this section, the dealer is liable for the 283
prorated amount of taxes refunded in connection with that 284
portion of the debt for which such payment was received and 285
shall remit such taxes to the commissioner in the manner the 286
commissioner prescribes. Any request for refund under this 287
section shall be supported by such evidence the commissioner 288
requires, including, but not limited to, all of the following: 289

(1) A copy of the original invoice; 290

(2) Evidence that the cigarettes described in the invoice 291
were delivered to the person that ordered them; 292

(3) Evidence that the person who ordered and received such 293
cigarettes did not pay the wholesale dealer for the cigarettes 294
and that the dealer used reasonable collection practices in 295
attempting to collect the debt. 296

(C) A request for refund under this section shall be filed 297
within three years after the date the bad debt became 298
uncollectible. For each request, the commissioner shall 299
determine the amount of refund to which the applicant is 300
entitled. If the amount is not less than that claimed, the 301
commissioner shall certify the amount to the director of budget 302
and management and treasurer of state for payment from the tax 303
refund fund created by section 5703.052 of the Revised Code. If 304
the amount is less than that claimed, the commissioner shall 305
proceed in accordance with section 5703.70 of the Revised Code. 306

<u>(D) The commissioner may adopt any rules necessary to</u>	307
<u>administer this section.</u>	308
<u>(E) No person other than the wholesaler that purchased the</u>	309
<u>tax stamps and generated the bad debt may claim the refund</u>	310
<u>authorized under this section.</u>	311
Sec. 5743.51. (A) To provide revenue for the general	312
revenue fund of the state, an excise tax on tobacco products and	313
vapor products is hereby levied at one of the following rates:	314
(1) For tobacco products other than little cigars or	315
premium cigars, seventeen per cent of the wholesale price of the	316
tobacco product received by a distributor or sold by a	317
manufacturer to a retail dealer located in this state.	318
(2) Thirty-seven per cent of the wholesale price of little	319
cigars received by a distributor or sold by a manufacturer to a	320
retail dealer located in this state.	321
(3) For premium cigars received by a distributor or sold	322
by a manufacturer to a retail dealer located in this state, the	323
lesser of seventeen per cent of the wholesale price of such	324
premium cigars or the maximum tax amount per each such premium	325
cigar.	326
(4) For vapor products, one cent multiplied by the vapor	327
volume of vapor products the first time the products are	328
received by a vapor distributor in this state.	329
Each distributor or vapor distributor who brings tobacco	330
products or vapor products, or causes tobacco products or vapor	331
products to be brought, into this state for distribution within	332
this state, or any out-of-state distributor or vapor distributor	333
who sells tobacco products or vapor products to wholesale or	334
retail dealers located in this state for resale by those	335

wholesale or retail dealers is liable for the tax imposed by 336
this section. Only one sale of the same article shall be used in 337
computing the amount of the tax due. If a vapor product is 338
repackaged, reconstituted, diluted, or reprocessed, the 339
subsequent sale of that vapor product shall be considered 340
another sale of the same article for purposes of computing the 341
amount of tax due. 342

(B) The treasurer of state shall place to the credit of 343
the tax refund fund created by section 5703.052 of the Revised 344
Code, out of the receipts from the tax levied by this section, 345
amounts equal to the refunds certified by the tax commissioner 346
pursuant to section 5743.53 of the Revised Code. The balance of 347
the taxes collected under this section shall be paid into the 348
general revenue fund. 349

(C) The commissioner may adopt rules as are necessary to 350
assist in the enforcement and administration of sections 5743.51 351
to 5743.66 of the Revised Code, including rules providing for 352
the remission of penalties imposed. 353

(D) A manufacturer is not liable for payment of the tax 354
imposed by this section for sales of tobacco products or vapor 355
products to a retail dealer that has filed a signed statement 356
with the manufacturer in which the retail dealer agrees to pay 357
and be liable for the tax, as long as the manufacturer has 358
provided a copy of the statement to the tax commissioner. 359

(E) A qualifying vapor manufacturer or importer may agree 360
to be liable for the tax imposed by this section with respect to 361
sales of vapor products to a vapor distributor, provided that 362
the manufacturer or importer has filed a signed statement with 363
the vapor distributor in which the manufacturer or importer 364
agrees to pay and be liable for the tax, and provided that the 365

manufacturer or importer has provided a copy of the statement to 366
the tax commissioner. 367

Sec. 5743.53. (A) The treasurer of state shall refund to a 368
taxpayer any of the following: 369

(1) Any tobacco products or vapor products tax paid 370
erroneously; 371

(2) Any tobacco products or vapor products tax paid on an 372
illegal or erroneous assessment; 373

(3) Any tax paid on tobacco products or vapor products 374
that have been sold or shipped to retail dealers, wholesale 375
dealers, or vapor distributors outside this state, returned to 376
the manufacturer, or destroyed by the taxpayer with the prior 377
approval of the tax commissioner; 378

(4) In accordance with division (E) of this section, any 379
tax paid by a distributor or vapor distributor on tobacco or 380
vapor products, less any discounts provided under section 381
5743.52 of the Revised Code, that are part of bad debt of the 382
distributor or vapor distributor. 383

Any application for refund shall be filed with the 384
commissioner on a form prescribed by the commissioner for that 385
purpose. The commissioner may not pay any refund on an 386
application for refund filed with the commissioner more than 387
three years from the date of payment of the tax. 388

(B) On the filing of the application for refund, the 389
commissioner shall determine the amount of the refund to which 390
the applicant is entitled. If the amount is not less than that 391
claimed, the commissioner shall certify the amount to the 392
director of budget and management and to the treasurer of state 393
for payment from the tax refund fund created by section 5703.052 394

of the Revised Code. If the amount is less than that claimed, 395
the commissioner shall proceed in accordance with section 396
5703.70 of the Revised Code. 397

If a refund is granted for payment of an illegal or 398
erroneous assessment issued by the department of taxation, the 399
refund shall include interest on the amount of the refund from 400
the date of the overpayment. The interest shall be computed at 401
the rate per annum in the manner prescribed by section 5703.47 402
of the Revised Code. 403

(C) If any person entitled to a refund of tax under this 404
section or section 5703.70 of the Revised Code is indebted to 405
the state for any tax administered by the tax commissioner, or 406
any charge, penalties, or interest arising from such tax, the 407
amount allowable on the application for refund first shall be 408
applied in satisfaction of the debt. 409

(D) In lieu of granting a refund payable under division 410
(A) (3) of this section, the tax commissioner may allow a 411
taxpayer to claim a credit of the amount of refundable tax on 412
the return for the period during which the tax became 413
refundable. The commissioner may require taxpayers to submit any 414
information necessary to support a claim for a credit under this 415
section, and the commissioner shall allow no credit if that 416
information is not provided. 417

(E) (1) As used in this section, "bad debt" means any debt 418
that arises from the sale by a distributor or vapor distributor 419
of tobacco or vapor products for which the distributor or vapor 420
distributor remitted the tax due under section 5743.51 of the 421
Revised Code, that has become worthless or uncollectible, that 422
has been uncollected for at least six months, and that may be 423
claimed as a deduction pursuant to the "Internal Revenue Code of 424

1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, 425
or that could be claimed as such a deduction if the distributor 426
or vapor distributor kept account on an accrual basis. "Bad 427
debt" does not include any interest or financing charges on the 428
debt, expenses incurred in attempting to collect the debt or for 429
any portion of the debt recovered, any accounts receivable that 430
have been sold or assigned to a third party, or repossessed 431
property. 432

(2) The commissioner shall not refund any amount for bad 433
debt under division (A) (4) of this section unless the 434
distributor or vapor distributor has charged off the bad debt on 435
its books as uncollectible. If a purchaser or other person pays 436
all or part of a bad debt with respect to which a distributor or 437
vapor distributor received a refund under this section, the 438
distributor or vapor distributor is liable for the prorated 439
amount of taxes refunded in connection with that portion of the 440
debt for which such payment was received and shall remit such 441
taxes to the commissioner in the manner the commissioner 442
prescribes. Any request for refund under division (A) (4) of this 443
section shall be supported by such evidence the commissioner 444
requires, including, but not limited to, all of the following: 445

(a) A copy of the original invoice; 446

(b) Evidence that the tobacco or vapor products described 447
in the invoice were delivered to the person that ordered them; 448

(c) Evidence that the person who ordered and received such 449
tobacco or vapor products did not pay the distributor or vapor 450
distributor for the tobacco or vapor products and that the 451
distributor or vapor distributor used reasonable collection 452
practices in attempting to collect the debt; 453

(d) Evidence of the wholesale price or vapor volume, as 454
applicable to the product, at the time the product was subjected 455
to the tax imposed under section 5743.51 of the Revised Code. 456

(3) No person other than the distributor or vapor 457
distributor that paid the tax imposed under section 5743.51 of 458
the Revised Code to the state and generated the bad debt may 459
claim the bad debt refund authorized under division (E) of this 460
section. 461

(F) The commissioner may adopt any rules necessary to 462
administer this section. 463

Sec. 5743.63. (A) To provide revenue for the general 464
revenue fund of the state, an excise tax is hereby levied on the 465
storage, use, or other consumption of tobacco products or vapor 466
products at one of the following rates: 467

(1) For tobacco products other than little cigars or 468
premium cigars, seventeen per cent of the wholesale price of the 469
tobacco product. 470

(2) For little cigars, thirty-seven per cent of the 471
wholesale price of the little cigars. 472

(3) For premium cigars, the lesser of seventeen per cent 473
of the wholesale price of the premium cigars or the maximum tax 474
amount per each premium cigar. 475

(4) For vapor products, one cent multiplied by the vapor 476
volume of the vapor products. 477

The tax levied under division (A) of this section is 478
imposed only if the tax has not been paid by the seller as 479
provided in section 5743.62 of the Revised Code, or by the 480
distributor ~~or~~, vapor distributor, or qualifying vapor 481

manufacturer or importer as provided in section 5743.51 of the 482
Revised Code. 483

(B) Each person subject to the tax levied by this section, 484
on or before the twenty-third day of each month, shall file with 485
the tax commissioner a return for the preceding month showing 486
any information the commissioner finds necessary for the proper 487
administration of sections 5743.51 to 5743.66 of the Revised 488
Code, together with remittance of the tax due, payable to the 489
treasurer of state. The return and payment of the tax required 490
by this section shall be filed in such a manner that it is 491
received by the commissioner on or before the twenty-third day 492
of the month following the reporting period. 493

(C) The tax commissioner shall immediately forward to the 494
treasurer of state all money received from the tax levied by 495
this section, and the treasurer shall credit the amount to the 496
general revenue fund. 497

(D) The tax imposed under this section shall not be 498
imposed on vapor products held by a qualifying vapor 499
manufacturer or importer for sale to persons outside of this 500
state. 501

Sec. 5743.64. No person shall transport within this state 502
tobacco products that have a wholesale value in excess of three 503
hundred dollars, or vapor products with a vapor volume in excess 504
of five hundred milliliters or five hundred grams, as 505
applicable, unless the person has obtained consent to transport 506
the tobacco products or vapor products from the tax commissioner 507
prior to transportation. The consent is not required if the 508
applicable tax levied under section 5743.51, 5743.62, or 5743.63 509
of the Revised Code has been paid or will be paid by the 510
distributor, vapor distributor, or seller. The consent is also 511

not required when a qualifying vapor manufacturer or importer 512
transfers vapor products into this state. Application for the 513
consent shall be in the form prescribed by the commissioner. 514

Every person transporting tobacco products or vapor 515
products with the department's consent shall have the consent 516
with the person while transporting or possessing the tobacco 517
products or vapor products within this state and shall produce 518
the consent upon request of any law enforcement officer or 519
authorized agent of the tax commissioner. 520

Any person transporting tobacco products or vapor products 521
without the consent required by this section shall be subject to 522
the provisions of sections 5743.51 to 5743.66 of the Revised 523
Code, including the tax imposed by section 5743.51, 5743.62, or 524
5743.63 of the Revised Code. 525

Section 2. That existing sections 5743.01, 5743.51, 526
5743.53, 5743.63, and 5743.64 of the Revised Code are hereby 527
repealed. 528

Section 3. The amendments by this act to sections 5743.06 529
and 5743.53 of the Revised Code apply to bad debts charged off 530
as uncollectible on the books and records of a wholesale dealer, 531
distributor, or vapor distributor on or after January 1, 2023. 532