



## Ohio Administrative Code

### Rule 3701-52-06 Exemption of retail vapor stores.

Effective: November 16, 2023

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(A) For the purpose of this rule, the exemption year is from April first of the year in which the affidavit is submitted, to March thirty-first of the following year. The affidavits approved by the director for use in requesting an exemption under this rule are available online in the smoke-free workplace section of the Ohio department of health website at [odh.ohio.gov](http://odh.ohio.gov).

(B) Retail vapor stores, as defined in division (I) of section 3794.01 of the Revised Code, may be exempt from regulation under Chapter 3794. of the Revised Code and this chapter provided that each retail vapor store claiming the exemption meets the following:

- (1) The retail vapor store will annually file with the Ohio department of health an affidavit stating the percentage of its gross revenue during the prior calendar year that was derived from the sale of vapor products, electronic smoking devices, or other electronic smoking product accessories;
- (2) Upon request of the Ohio department of health, the retail vapor store will provide additional information to assist the department in the determination of whether the exemption is properly applicable to a retail vapor store. Additional information requested may include, but is not limited to, documentation of non-vapor related product sales or change of ownership; and
- (3) The affidavit for each exemption year, will be postmarked by January thirty-first of the year in which the affidavit is submitted and will be mailed to the following address:

"ATTN: Smoke-Free Workplace Program

Ohio Department of Health

246 North High Street

Columbus, OH 43215"



(C) Retail vapor stores that submit an affidavit for exemption that is not postmarked by January thirty-first or submit an affidavit to the department outside of the standard filing period of January each year, will submit a penalty fee with the affidavit in the amount of one hundred fifty dollars payable to the "Treasurer, State of Ohio."

(D) A retail vapor stores that does not provide documentation annually that the business derives more than eighty percent per cent of its gross revenue from the of sale of vapor products, electronic smoking devices, or other electronic smoking product accessories will not be granted an exemption.

(E) Previously exempted retail vapor stores that fail to file for an exemption by January thirty-first annually, will be subject to all smoke free workplace regulations and penalties for violations until such time as the retail vapor store comes into compliance with Chapter 3794. of the Revised Code and this chapter.

(F) Within sixty days after receiving an affidavit and any additional requested information, the Ohio department of health will provide each retail vapor store that meets the requirements of this rule with documentation that the retail vapor store is exempt from regulation under Chapter 3794. of the Revised Code. The documentation is to be posted in a conspicuous place within the retail vapor store where it can be seen by customers.