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Ohio Revised Code

Section 5743.021 Regional arts and cultural district cigarette sales tax.

Effective: April 3, 2023
Legislation: Senate Bill 164 - 134th General Assembly

(A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district as follows:

(1) If the tax begins to apply before the first day of the first month after the effective date of this amendment, the tax shall be computed on each cigarette sold, and the rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed fifteen mills per cigarette;

(2) If the tax begins to apply on or after the first day of the first month after the effective date of this amendment, the tax shall be computed on packages of cigarettes, and the rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed nine per cent of the wholesale price of the package of cigarettes.

Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years.

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not

sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the date on which the tax is to become effective.

A board of county commissioners may adopt a resolution under this division proposing to replace a tax levied under division (B)(1) of this section with a tax levied under division (B)(2) of this section. Such a resolution shall state, in addition to other information required under this division, that the existing levy or levies terminate upon the passage of the replacement levy. The failure of the electors to approve a replacement levy does not terminate the existing levy or levies.

A board of county commissioners that proposes to levy a tax under division (B)(2) of this section, including a tax that would replace a tax levied under division (B)(1) of this section, may combine that question with the question of a tax under section 5743.511 of the Revised Code.

(C)(1) The form of the ballot in an election held to propose a tax under division (B)(1) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of _____ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout _____ County for the benefit of the _____ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of ____ mills per cigarette for _____ years?

	For the tax	
	Against the tax	

"

(2) The form of the ballot in an election held to propose a tax under division (B)(2) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of _____ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout _____ County for the benefit of the _____ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of ____ of the wholesale price of a package of cigarettes for _____ years?

	For the tax	
	Against the tax	

"

If the resolution of the board of county commissioners provides that an existing levy or levies will be terminated upon the passage of a replacement levy, the ballot must, for each levy that will be terminated, include a statement that: "An existing tax of ___ mills (stating the millage of the existing tax) per cigarette, having ___ years remaining, will be terminated and replaced upon the passage of this tax."

If the resolution combines the question of a tax under division (B)(2) of this section with the question of a tax under section 5743.511 of the Revised Code, the ballot shall contain both the language prescribed in this division and the language prescribed in division (C) of section 5743.511 of the Revised Code, and electors may cast a vote either "For both taxes" or "Against both taxes."

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section and section 5743.321 of the Revised Code and certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.