



## Ohio Revised Code

### Section 5743.20 Separate place of business - sale and purchase restricted to licensed dealers.

Effective: July 18, 2019

Legislation: House Bill 166 - 133rd General Assembly

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No person shall sell any cigarettes both as a retail dealer and as a wholesale dealer at the same place of business. No person other than a licensed wholesale dealer shall sell cigarettes to a licensed retail dealer. No retail dealer shall purchase cigarettes from any person other than a licensed wholesale dealer.

Subject to section 5743.031 of the Revised Code, a licensed wholesale dealer may not sell cigarettes to any person in this state other than a licensed retail dealer, except a licensed wholesale dealer may sell cigarettes to another licensed wholesale dealer if the tax commissioner has authorized the sale of the cigarettes between those wholesale dealers and the wholesale dealer that sells the cigarettes received them directly from a licensed manufacturer or licensed importer.

The tax commissioner shall adopt rules governing sales of cigarettes between licensed wholesale dealers, including rules establishing criteria for authorizing such sales.

No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or licensed importer. No importer shall purchase cigarettes from any person other than a licensed manufacturer or licensed importer.

A retail dealer may purchase other tobacco products only from a licensed distributor. A licensed distributor may sell tobacco products only to a retail dealer, except a licensed distributor may sell tobacco products to another licensed distributor if the tax commissioner has authorized the sale of the tobacco products between those distributors and if the distributor that sells the tobacco products received them directly from a manufacturer or importer of tobacco products.

A retail dealer may purchase vapor products only from a licensed vapor distributor. A licensed vapor distributor may sell vapor products only to a retail dealer, except a licensed vapor dealer may sell vapor products (A) to a consumer if the licensed vapor distributor is a retail dealer or (B) to another



licensed vapor distributor if the tax commissioner has authorized the sale of the vapor products between those distributors and if the distributor that sells the vapor products received them directly from a manufacturer or importer of vapor products.

The tax commissioner may adopt rules governing sales of tobacco products or vapor products between licensed distributors or vapor distributors, including rules establishing criteria for authorizing such sales.

No person other than a secondary manufacturer that is a licensed vapor distributor shall reconstitute, dilute, or reprocess vapor products for resale to consumers. All secondary manufacturers shall package reconstituted, diluted, or reprocessed vapor products in compliance with Chapter 39A of Title 15 of the United States Code.

The identities of cigarette manufacturers and importers, licensed cigarette wholesalers, licensed distributors of other tobacco products, registered manufacturers and importers of other tobacco products or vapor products, and licensed vapor distributors are subject to public disclosure. The tax commissioner shall maintain an alphabetical list of all such manufacturers, importers, wholesalers, and distributors, shall post the list on a web site accessible to the public through the internet, and shall periodically update the web site posting.

As used in this section, "licensed" means the manufacturer, importer, wholesale dealer, or distributor or vapor distributor holds a current and valid license issued under section 5743.15 or 5743.61 of the Revised Code, and "registered" means registered with the commissioner under section 5743.66 of the Revised Code.