

RECORD OF ORDINANCES

Ordinance No. 2018-30Passed May 2, 2018**(g) Give, sell, or otherwise distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to any person under 21.**

(3) No person shall sell or offer to sell cigarettes, other tobacco products, or alternative nicotine products by or from a vending machine, except in the following locations:

(a) An area within a factory, business, office, or other place not open to the general public;

(b) An area to which children are not generally permitted access;

(c) Any other place not identified in division (A)(3)(a) or (A)(3)(b) of this section, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.

2. The vending machine is inaccessible to the public when the place is closed.

(4) The following are affirmative defenses to a charge under division (A)(2)(a) of this section:

(a) The child **or person under 21** was accompanied by a parent, spouse who is 18 years of age or older, or legal guardian of the child.

(b) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a child under division (A)(2)(a) of this section **or to a person under 21 under division (A)(2)(g) of this section** is a parent, spouse who is 18 years of age or older, or legal guardian of the child **or person under 21**.

(5) It is not a violation of division (A)(2)(a), (A)(2)(b) **or (A)(2)(g)** of this section for a person to give or otherwise distribute to a child **or person under 21** cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the child **or person under 21** is participating in a research protocol if all of the following apply:

(a) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol, **or person under 21 has consented in writing on his or her own behalf.**