

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 109:8-1-02

Rule Type: Amendment

Rule Title/Tagline: Tobacco product manufacturers directory.

Agency Name: Attorney General

Division: Tobacco Unit

Address: 30 E. Broad St., 26th Floor Columbus OH 43215

Contact: Christopher Gawronski **Phone:** 6146449628

Email: Christopher.gawronski@OhioAGO.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 9/27/2024
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 1346.08
5. What statute(s) does the rule implement or amplify? 1346.01-1346.10
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

Proposed changes to the annual certification process primarily update communication requirements to create more flexibility for the AGO. These changes are also aimed to more clearly articulate statutory linkages to the rules and improve readability of the rules. This rule applies to all manufacturers selling cigarettes in Ohio. It is not

anticipated that these changes will prompt any objections as they do not change the overall certification process.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The purpose of this rule is to accomplish the following objectives:

Articulates factors considered by the AGO when reviewing a certification.

Establishes communication requirements and processes for the AGO both when approving or rejecting a certification, and when proposing to remove or exclude a company or brand from the Directory.

The proposed changes can be summarized here:

- 1) Eliminate requirement to fax communications to manufacturers and provide flexibility in how written communications may be sent.
- 2) Clarify that the requirements stated in the rule are related to specific statutory authority or obligations of the AG to:
 - a. Determine whether a certification is "current and accurate" [ORC1346.05(B)(1)].
 - b. "Correct mistakes" in the Directory [ORC 1346.05(B)(2)(a)].
 - c. "Keep the Directory in conformity with the requirements of" ORC 1346.05[ORC 1346.05(B)(2)(a)].
- 3) Reorder some sections to create a more logical flow.
- 4) Revise rule language to better reflect terminology used in Chapter 1346.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Changes made to public hearing notice.

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

Not applicable

Not applicable

13. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

15. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

16. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not applicable

III. Common Sense Initiative (CSI) Questions

17. **Was this rule filed with the Common Sense Initiative Office? No**

18. **Does this rule have an adverse impact on business? No**

- A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**
- B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**
- C. **Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

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*** DRAFT - NOT YET FILED ***

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