

Exemption of retail tobacco stores.

- (A) Retail tobacco stores as defined in section 3794.01 of the Revised Code and in operation prior to December 7, 2006, may be exempt from regulation under Chapter 3794. of the Revised Code and this chapter provided that each retail tobacco store claiming the exemption meets the following:
- (1) The retail tobacco store shall annually file with the Ohio department of health an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related accessories;
 - (2) The affidavit shall be in the form approved by the director and attached as appendix A to this rule;
 - (3) Upon request of the Ohio department of health, the retail tobacco store shall provide additional information to assist the department in the determination of whether the exemption is properly applicable to a retail tobacco store; and,
 - (4) The affidavit shall be postmarked by January thirty-first of each year and shall be mailed to the following address:

"Chief

Bureau of Environmental Health

Ohio Department of Health

246 North High Street

Columbus, OH 43215"
- (B) Retail tobacco stores that begin operation after December 7, 2006, or any existing retail tobacco store that relocates to another location after December 7, 2006, may only be exempt from regulation under Chapter 3794. of the Revised Code and this chapter provided that each retail tobacco store claiming the exemption meets the requirements set forth in paragraphs (A)(1) to (A)(4) of this rule and the following:
- (1) The retail tobacco store shall be located in a freestanding structure occupied solely by the retail tobacco store; and
 - (2) Smoke from the retail tobacco store shall not migrate into any enclosed area where smoking is prohibited under the provisions of Chapter 3794. of the Revised Code.
- (C) Within sixty days after receiving an affidavit and, if requested, any additional information, the Ohio department of health shall provide each retail tobacco store that meets the requirements of this rule with written documentation that

the retail tobacco store is exempt from regulation under Chapter 3794. of the Revised Code.

R.C. 119.032 review dates: 05/09/2013 and 05/01/2018

CERTIFIED ELECTRONICALLY

Certification

05/09/2013

Date

Promulgated Under: 119.03
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