



ZACH KLEIN COLUMBUS CITY ATTORNEY

FOR IMMEDIATE RELEASE
Wednesday, April 10, 2024
Contact: Pete Shipley, 614.965.0203
Email: pishipley@columbus.gov

Ohio Cities Join Together to File Lawsuit Challenging State Ban on Local Tobacco Laws

A new state law would invalidate all local tobacco regulations, including restrictions on flavored products, and prohibit local health departments from enforcing penalties for underage sales

COLUMBUS, OH— Columbus City Attorney Zach Klein today filed a lawsuit along with 13 other Ohio municipalities challenging a recently passed state law that would strip away the rights of cities to regulate the sale of tobacco products at the local level. The ban is set to take effect April 23 after lawmakers overrode the governor’s veto of the legislation earlier this year.

“Stripping cities of their right to make decisions in the interest of residents isn’t just unconstitutional, it’s bad policy that harms public health and undermines the progress we’ve made to reduce tobacco usage and keep these products out of the hands of teens,” said **Columbus City Attorney Zach Klein**. “We are ready to make our case to the Court defending our constitutional right to home rule so that we can continue to do what’s best for the health and safety of residents who demand it.”

Under the new law, Ohio municipalities would be prohibited from enacting and enforcing any regulations regarding the sale of tobacco products.

In Columbus, the law would invalidate the city’s ban on the sale of flavored tobacco products whose marketing targets young people and also eliminate the city’s licensing of tobacco retailers, which is currently operated by the local health department who regularly conducts compliance checks to ensure retailers aren’t selling to those under the age of 21. Instead, compliance with underage sales laws would have to be initiated by law enforcement, a task local leaders say would divert resources away from neighborhood patrols or responding to violent crime.

In their lawsuit, the cities are asking for a temporary restraining order and preliminary injunction to block the implementation of the new law. The cities also contend that the state’s law violates home rule provisions of the Ohio Constitution and ultimately harms public health, particularly among Ohio teens and minority populations.

Columbus is joined on the lawsuit by Bexley, Cincinnati, Cleveland, Dublin, Gahanna, Grandview Heights, Heath, Hilliard, Oxford, Reynoldsburg, Upper Arlington, Whitehall, and Worthington.

Here is what other local leaders are saying about the lawsuit defending the rights of cities to determine what tobacco regulations make sense for their communities:

“Preventing cities like Columbus from banning flavored tobacco is as egregious as it is irresponsible,” said **City of Columbus Mayor Andrew J. Ginther**.

“Flavored tobacco is deliberately marketed to young people, leading to life-long addiction. Research from the U.S. Centers for Disease Control and Prevention estimates that, without restrictions, 1 out of every 13 of today’s children will die prematurely from smoking-related illnesses. We all want a safe and healthy future for our families, and we need access to the tools granted to us by the Ohio Constitution to protect the most vulnerable among us.”

“Cities like ours have a core responsibility to build policies that address the needs and challenges of our local communities,” said **Cincinnati Mayor Aftab Pureval**. “Our constitutional right to home rule is based upon a fundamental truth that cities are in the best position to understand and respond to the unique circumstances of their constituents. Preventing Ohio cities from making decisions in the best interest of public health is not only a violation of that right – it is also a harmful policy, particularly for the most vulnerable among us.”

“We have all proposed local legislation to help address the number one preventable cause of death and disease in our community – tobacco. Cleveland’s adult smoking rate is 35 percent, which is more than three times the national average of 11 percent. This lawsuit represents a united front in standing up for what is morally right and is an imperative next step to ensure that we are prioritizing the health of Ohioans above profits for the tobacco industry,” said **Cleveland Mayor Justin M. Bibb**. “We cannot and will not remain silent. We join the City of Columbus in these efforts and we’ll continue to work with lawmakers and other stakeholders in this fight for our residents’ health. Their futures depend on it.”

“The City of Reynoldsburg strongly advocates that local government have a better understanding of the needs of their communities and should be empowered to make those decisions rather than the state government. We believe in the constitutional principle of home rule rights,” said **Reynoldsburg Mayor Joe Begeny**.

“Four of the five leading causes of death in Columbus are exacerbated by tobacco and/or e-cigarette use, and flavored tobacco targets black and brown people and youth. We are grateful that the City Attorney is acting to protect youth, minority populations and our entire community from the health dangers and consequences of tobacco use,” said **Columbus Public Health Commissioner Dr. Mysheika Roberts**.