

RESOLUTION NO. 3-24

By: Danny Hurley

A Resolution authorizing and supporting the City of Bexley's participation in litigation challenging the General Assembly's enactment of R.C. 9.681 regarding the enforcement of local laws concerning nicotine use, and to declare an emergency

WHEREAS, the Ohio General Assembly passed HB 33 in June 2023, that including R.C. 9.681, a statute intended to prohibit municipal corporations from enforcing ordinances regulating nicotine use within the City; and

WHEREAS, Governor DeWine vetoed this part of HB 33 on July 3, 2023; and

WHEREAS, the Ohio General Assembly voted to override this veto; and

WHEREAS, R.C. 9.681 is scheduled to become effective on or about April 23, 2024; and

WHEREAS, Bexley City Council passed ordinance 48-22 to enact section 837.04 of the City's codified ordinances to prohibit the sale of flavored and menthol tobacco products within the City and the Mayor signed this ordinance; and

WHEREAS, R.C. 9.681, if unchallenged, would prohibit the City from enforcing the provisions of ordinance 48-22 and otherwise interfere with its Home Rule authority granted by the Ohio Constitution;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Council supports the Mayor and Law Director taking action wherein the City will participate with the City of Columbus and other municipalities to challenge R.C. 9.681 and to take further action not inconsistent with law to continue enforcement of ordinance 48-22.

Section 2. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, peace, and safety and shall go into full force and effect upon the approval of the Mayor.

Passed: _____, 2024

Monique Lampke, President of Council

Attest: _____
Matt McPeck, Clerk of Council

Approved: _____, 2024

Ben Kessler, Mayor

First Reading: March 26, 2024

Second Reading:

Third Reading: