

Ohio GOP lawmakers are again trying to ban local tobacco regulations by overriding Gov. Mike DeWine's veto

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COLUMBUS, Ohio—Ohio House Republicans are trying to hold a vote on overriding Gov. Mike DeWine's veto earlier this year of a proposed ban on local tobacco restrictions that are stricter than what state law requires.

So far, supporters of preempting local tobacco rules haven't staged such a vote because they don't yet have the support of 60 House members needed to override DeWine's decision in July to strike the proposal from the state's massive two-year budget bill, lawmakers and others familiar with the effort said. DeWine, long an advocate for greater oversight over the tobacco industry, also [vetoed a similar standalone bill](#) last January.

The policy would have barred local governments from imposing their own, more restrictive tobacco restrictions, at a time where some of Ohio's largest cities have either already adopted bans on the sale of flavored tobacco [or are considering them](#). DeWine originally proposed a statewide ban on flavored tobacco in his state budget proposal, but lawmakers significantly weakened it in the final budget.

It's still unclear whether legislative supporters of such a preemption law will be able to get the votes needed for a veto override, or whether they will try instead to pass it again by introducing a new bill or amending an existing one. A veto override requires three-fifths support in both the House and Senate.

House Speaker Jason Stephens, a Lawrence County Republican, told reporters this week that he's still talking with his fellow Republicans about how many of them favor a veto override. "Whether there's the desire by enough members to do that or not still remains to be seen," he said.

House Republicans have been talking about holding such an override vote for several weeks, said state Rep. Ron Ferguson, a Jefferson County Republican. The proposal has come up in multiple House GOP caucus meetings, Ferguson said, adding that House GOP Whip Jim Hoops of Napoleon called him asking for his support.

Ferguson, a vocal critic of Stephens, said he wasn't sure why the override vote hasn't been held yet. He said of the 66 Republicans currently in the House, he's only heard three – whom he declined to specifically name – speak against the idea.

Lawmakers have also been sent a lot of letters from business owners asking them to pass an override. "I can't remember ever having received more calls from more lobbyists asking me to please support this than anything else since I've been in the legislature," said Ferguson, who first took office in 2021.

Asked about support for a veto override, a House GOP spokesman pointed back to Stephens' comments to reporters this week. [Cleveland.com/The Plain Dealer](https://www.cleveland.com/the-plain-dealer/) has reached out to a spokesman for Senate Republicans to gauge whether they would support a veto override.

House Democrats, who hold 32 of 99 House seats, would likely vote against a veto override, as caucus leaders previously encouraged DeWine to veto the standalone bill in January.

"What we're talking about is rolling back 25-plus years of protections and safeguards and regulations around accessibility for products targeting vulnerable communities and kids, and preempting all of those (local regulations in a) blatant violation of home rule and a giveaway to Big Tobacco," said state Rep. Casey Weinstein, a Hudson Democrat. "It feels like the 1980s all over again."

The proposed ban on local tobacco regulations was [inserted into the state budget plan by Senate Republicans](#) a couple weeks before passing the full bill. Perhaps as an incentive for DeWine not to veto the idea again, the Senate also proposed a statewide ban on selling or distributing flavored vaping liquid, with the exception of menthol-flavored products and those for which a marketing order has been issued by the U.S. Food and Drug Administration.

Under that wording, the Senate's proposed flavored tobacco ban wouldn't change much. Juul, the market leader in e-cigarettes, has [whittled down its product lines](#) to just "Virginia Tobacco" and menthol flavors. In addition, federal regulators banned the sale of e-cigarette flavors besides tobacco and menthol in 2020, although the [policy still allowed for the sale of other flavors in disposable e-cigarettes](#).

If the veto override passes, it would void existing bans on flavored tobacco in at least three cities – Toledo, Columbus and the Columbus suburb of Bexley. Cleveland Mayor Justin Bibb [proposed a ban on the sale of flavored tobacco products](#) last year, though it has not been adopted.

DeWine has [sought such a ban for years](#) and included it in his budget plan this year. Since his time in the U.S. Senate, DeWine has been a proponent of tobacco regulation.

DeWine spokesman Dan Tierney said Thursday that the governor would support a statewide ban on local governments enacting tobacco rules stricter than what the legislature passes, but only if lawmakers also pass a ban on flavored tobacco products that includes menthol, which he says appeal to children.

“He certainly would sign that bill even though it might preempt some of the locals that have gone farther than that,” Tierney said. “He thinks that’s where you can have the public policy sweet spot.”